Staff Summary Report

Development Review Commission Date: 05/22/07 **Agenda Item Number: 5**

SUBJECT: Hold a public meeting for a Development Plan Review for UNIVERSITY CENTER III located at 1240 E. University Drive.

DOCUMENT NAME: DRCr_UniversityCenterIII_052207 **PLANNED DEVELOPMENT (0406)**

SUPPORTING DOCS: Yes

COMMENTS: Request for **UNIVERSITY CENTER III (PL070127)** consists of a three-story 120,000 square foot office building on approximately 7.16 net acres, in the GID, General Industrial Zoning District, within the Rio Salado and Transportation Overlay Districts. The request includes the following:

DPR07070 – Development Plan Review including site plan, building elevations, and landscape plan.

The applicant is Mike Edwards, DFD Cornoyer-Hedrick, on behalf of Talla Fallstich, St. Paul Travelers, owner.

PREPARED BY: Diana Kaminski, Senior Planner (480-858-2391)

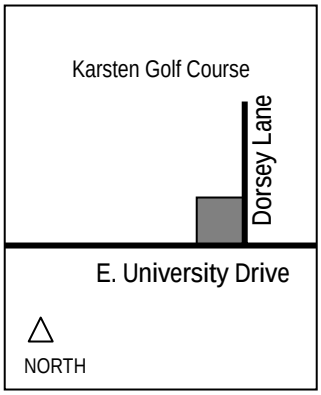
REVIEWED BY: Lisa Collins, Planning Director (480-350-8989)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: **Staff – Approval, subject to conditions (1-24).**

ADDITIONAL INFO:



Gross/Net site area	7.16 net acres
Building area	124,000 s.f.
Lot Coverage	13 % (NS defined in GID)
Building Height	45 ft (maximum allowed by previous variance)
Building setbacks	25’ front, 20’ parking, 0’ side, 0’ rear, 25’ street side, 20’ street side parking
Landscaped area	22% (10% minimum required in GID)
Vehicle Parking	586 spaces (413 required, 516 max allowed) 10/03/06 Hearing Officer approved use permit to allow additional surface parking in excess of 125% minimum allowed.
Bicycle Parking	16 spaces (16 minimum required)

- A neighborhood meeting is not required with this application.
- The Rio Salado Commission Reviewed this request as part of the Rio Salado Overlay District.
- Per Section 5-603 B.2 Option B, the Zoning Administrator has rendered the opinion that this site plan and development is compatible with surrounding development built prior to the TOD and that special features for pedestrian safety and convenience have been incorporated to sufficiently address the intent of the TOD as outlined in Section 5-601.

ATTACHMENTS: 1. List of Attachments
2-5. Comments
6-11. Reasons for Approval / Conditions of Approval
11-12. History & Facts / Description / Zoning & Development Code Reference

A. Location Map
B. Aerial Photo
C. Legal Description of Phase II Parcel (2 pages)
D. Letter of Explanation
E. Site Plan
F. Building Elevations
G. Colored Building Elevations
H. Building Sections
I. Floor Plans
J. Landscape Plan
K. Conceptual Grading and Drainage Plan
L. Preliminary Site Utility Plan
M. July 6, 2006 Letter requesting Administrative Determination of TOD standards (8 pages with exhibits)
N. August 1, 2006 Administrative Determination of TOD standards

COMMENTS:
The applicant is requesting an approval for a Development Plan Review for a project consisting of a three-story 124,000 s.f. of building on 7.16 net acres for the use of commercial offices. This site is located on the north side of University Drive, west of Dorsey Lane, south of the ASU Karsten Golf Course, and east of two other buildings that are part of this same development. This portion of the lot is currently vacant.

Two previous entitlement processes have occurred for this portion of the site (see history for full list of entitlements on entire property):

> ZUP06030 10/03/06 Hearing Officer approval of a use permit to allow 86 more than the 500 maximum allowed surface parking spaces.
>
> DSM06009 08/01/06 Zoning Administrator approval of the proposed project to meet the Transportation Overlay District intent through TOD Section 5-603 B.2 Option B per the objectives listed in Section 5-601 and the pedestrian environment in Figure 5-612F.

Project Analysis
The proposed commercial office would be the third building as part of the University Center office complex. The property is ideally located within a half mile of a light rail station, 1 mile from ASU, 1.5 miles from Downtown Tempe, and 1.5 miles from either the 202 or 101 freeway, with easy access to the airport. The lot is a "U" shaped configuration that straddles a smaller existing restaurant pad. The boundaries of the Transportation Overlay District (TOD) extend up to the western leg of the U, where the two previously built offices are located. The restaurant pad and the proposed new building are just beyond the limits of the Transportation Overlay District Corridor. This portion of the site is within the corridor only because it is part of the same lot as the other two office buildings; if it were replatted, it would no longer be within the TOD. The existing two buildings are designed to take advantage of the ASU Karsten Golf Course.

The site plan provides retention around the perimeter of the site, on the east and south sides, along both Dorsey Lane and University Drive. A 480' long lighted and landscaped sidewalk is provided from University Drive to the front door of the development. The site plan

The architecture is contemporary in design and uses four-sided architecture. The building material is stucco painted off-white "Balboa Mist" BM#1549 and large horizontal bands of windows in Solar Bronze colored glass. The base structure is framed with "Baja Brown" brick to create a three dimensional frame around portions of the building. Window frames are Anodized Bronze Aluminum frames in "Dark Bronze" color. The building palette is relatively neutral and the materials used maintain a consistent aesthetic with the two existing office buildings within the development.

The heavily landscape plan includes 24" and 36" box California Fan Palms, Blue Palo Verde, Hybrid Mesquite, Live Oak, Evergreen Elm trees. All shrubs are 5 gallon in size and the proposed palette is low water using flowering plants. Shrubs are 1 gallon and are also a variety of predominantly low-water using species. Turf is limited to the front retention area and a small patch near the south west side of the building. The plant materials match the existing plants around the two other buildings within the development, creating a unified site.

Public Input
The Rio Salado Overlay District designation requires review of this project by the Rio Salado Commission. Below are the comments from the May 4, 2007 Rio Salado Advisory Commission Meeting:

- Why not have office adjacent to University and Dorsey as stipulated by the T.O.D.? If the T.O.D. stipulations are not met, is this not setting the wrong precedent? (Administrative Decision made by Planner Director that the project meets the intent of the T.O.D.--letter to Stephan Earl from Lisa Collins, dated 8/1/06)

- Can parking quantity be reduced? (NO—Quantity is a programmatic requirement of the office. Applicant has an approved use permit to allow parking in excess of 125% of what is required. Applicant has added additional trees in parking lot in conjunction with the use permit request.
- The site layout with parking in front of building is not preferred. Commission is not opposed to main building where it is proposed but would prefer to see secondary buildings lining University and Dorsey and parking concealed in the interior of the site. If no building is required out front as indicated by the Administrative Decision, provide an increased landscape buffer. Have the buffer include the area of the south parking row. Provide a berm in the buffer along University in conjunction with the parking screen wall.
- Commission would like to see an exterior employee break patio should be added.
- Commission agrees the use is appropriate.
- Commission abstains from voting whether the project furthers goals of Rio Salado Overlay District since the project is remote from the town lake.

General Plan Analysis

Land Use Element:
This project complies with the land use goals and element objectives for General Plan 2030. The land use projected for this site is Commercial, and although the property is zoned General Industrial, the use is compliant with a commercial property. The proposed site plan leaves opportunity for future office uses at the street front, or, with a use permit to allow retail uses along University Drive. The projected residential density for this site is high density, allowing greater than 25 dwelling units per acre. The existing zoning would not allow residences to be added, a rezoning to Commercial would allow residences to be added with a use permit to the existing commercial development. A rezoning to mixed-use would require a General Plan amendment. With the proximity to light rail, it is feasible that sometime in the future this site would be developed with intensified uses, provided that parking take a different form and that any new development take advantage of the Transportation Overlay District standards.

Accessibility Element:
The project is required to meet all requirements set forth in the ADA Design Guidelines for new projects. Implementing design for accessibility includes: accessible parking spaces, minimum size public sidewalks, and direct access from the main entrance to the public sidewalk.

Community Design Element:
This project could benefit from the implementation of green building concepts, providing more energy efficient solutions and the use of advanced technology in building materials.

Historic Preservation Element:
The property is not designated as historic, so there is no specific requirement for preservation, or documentation.

Housing Element:
The project will provide additional employment for residents, but does not add housing.

Neighborhoods Element:
There are no neighborhood associations within the immediate area, this development is in a predominantly commercial and industrial area. There is one apartment community on the south side of University Drive.

Redevelopment Element:
This site is not within a redevelopment area.

Economic Development Element:
This project adds 124,000 square feet of needed office space to Tempe.

Cost of Development Element:
The Water Utilities Department has indicated a need for an 8" looped water line from Dorsey across the north side of the parcel to tie into the stub on the west side of the site. The conditions will also require right-of-way dedication and full improvements for Dorsey Lane.

Environment (Air, Noise, Ambient Temperature, Energy) Element:
Developing the site will mitigate dust from the current vacant lot.

Land (Remediation, Habitat, Solid Waste) Element:
There is no foreseen impact on this element. Staff encourages the applicant to recycle construction material to mitigate landfill impacts. To further implement this element, use of green building techniques, and energy efficient designs are encouraged.

Water (Water, Wastewater, Stormwater) Element:
The Engineering Department will require storm-water retention on this site which is sufficient to contain a 100-year event. The developer must contact the City of Tempe Engineering Department to finalize details for the retention requirements.

Transportation (Pedestrian Network, Bikeways, Transit, Travel-ways) Elements:
This project is within the Transportation Overlay District – Corridor, and has easy transit access to multiple bus routes within Tempe and access via bus and light rail to Phoenix and neighboring communities. The site also has a use permit to exceed the maximum allowed parking. The project could benefit from future transit-oriented development along the street-front.

Aviation Element:
No impacts on this element.

Open Space Element:
No foreseen impacts on this element.

Recreational Amenities Element:
No foreseen impacts on this element.

Public Art & Cultural Amenities Element:
Public art is required for this project. The developer must work with the Tempe Municipal Arts Commission regarding the installation of public art on this site. Staff recommends contacting Tempe's Fine Arts Coordinator to participate in Tempe's public art program.

Public Buildings and Services Elements:
Not applicable to this request.

Public Safety Element:
Officer Derek Pittam of the Tempe Police Department Crime Prevention Unit, has assembled a report addressing security concerns and recommendations for this project. Tempe Fire Department will access the site via existing public streets. The developers of this project must work closely with the Fire, Police and Building Safety Departments to ensure that rescue and communications infrastructure are in place.

Conclusion
Staff recommends approval of this request.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use for this site.
2. The project meets the Rio Salado Overlay District requirements.
3. The project will meet the development standards required under the Zoning and Development Code.

CONDITIONS OF APPROVAL:

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by May 22, 2008 or Development Plan approval will expire.

- Building must be measured from the top of curb at the midpoint of the front of the lot.

- Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated April 18, 2007. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

- Provide public art as part of this development in conformance with the Art in Private Development Ordinance and the Zoning and Development Code; see the Zoning and Development Code Sec. 4-407 and Appendix D. Contact the Cultural Services Administration (Adrienne Richwine or Liz Lagman 480-350-5287) if any questions regarding implementation of this requirement.

- Provide emergency radio amplification for the office building, as required. Amplification will allow Police and Fire personnel to communicate in the buildings during a catastrophe. Contact Telecommunications (Stuart Snow 480-350-2930) to discuss the size and materials of the buildings, to verify radio amplification requirement, and determine the extent of construction to fulfill this condition.

- The project site does not have an Archaeologically Sensitive designation. However, State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process described in this condition.

- Specific requirements of the **Zoning and Development Code** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time, and reduce the potential for multiple plan check submittals, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.

- Standard Details:
  - Tempe Standard “T” details may be accessed through www.tempe.gov/engineering or purchased from the Engineering Division, Public Works Department.
  - Tempe Standard “DS” details for refuse enclosures may be accessed through www.tempe.gov/tdsi/bsafety or may be obtained at Development Services**.**

SITE PLAN:

2. Provide 8’-0” wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.

3. Provide service yard and mechanical yard walls that are at least 8'-0" tall as measured from adjacent grade and are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment. Locate electrical service entrance sections inside the service yard, as indicated.

4. Refuse:
   a. Double container enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with Standard Detail DS-116.
   b. Location of double container enclosure in west vehicle court has changed since the March 24, 2006 Site Plan Review. Contact Sanitation staff (Ron Lopinski 480-350-8132) to verify that vehicle maneuvering and access to the enclosure is still adequate.

5. Provide upgraded paving at each driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.

6. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.

7. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.

8. Provide a shaded outdoor employee break area near the building.

9. Provide a landscaped buffer, including a berm along University in conjunction with the parking screen wall.

10. At parking areas, provide demarcated accessible aisle for disabled parking

11. Shade canopies for parking areas:
    a. Provide separation between shade canopies to accommodate landscape island and tree growth
    b. Provide fascia that is at least as deep as the canopy structure.
    c. Provide canopy clearance to allow disabled van parking on demand.
    d. Design to be attractive when viewed from above. 75% light reflectance value shall also apply to the top of the canopy.
    e. Relate canopy in color and architectural detailing to the buildings.
    f. Detail canopy lighting as an integral part of the canopy.
    g. Conceal lighting conduit to greatest extent possible in the folds of the canopy structure and finish conduit to match surroundings.

- 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

- Fire lanes need to be clearly defined. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies; or overhead structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department (Jim Walker 480-350-8341).

- Underground utilities requirement excludes high-voltage transmission line unless project inserts a

structure under the transmission line. Coordinate site layout with Utility provider(s) to provide adequate access easement(s).

- Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.

- Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.

- Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works/Traffic (Shelly Seyler 480-350-8219)

- Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services Counter or from John Brusky in Transportation (480-350-8219) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.

- Parking spaces:
  - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs. Consider location of west lobby entrance with respect to layout of disabled accessible parking; the layout as indicated exclusively favors the east lobby entrance.
  - Distribute bike parking areas nearest to lobby location(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.

FLOOR PLANS:

12. Exit Security:
    a. Provide visual surveillance by means of fire-rated glazing assemblies from office stair towers into adjacent circulation spaces.
    b. In instances where an elevator or stair exit in the office or garage is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow someone in the exit doorway to observe in the mirror the area around the corner or within the alcove that is adjacent to the doorway.

13. Public Restroom Security:
    a. Lights in restrooms:
       1) Provide 50% night lights
       2) Activate by key or remote control mechanism
    b. Single user restroom door hardware:
       3) Provide a key bypass on the exterior side

- Provide a fire command room(s) on the ground floor of the building(s). Verify size and location with Fire Department (Jim Walker 480-350-8341).

- Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape

materials, and design columns or corners to discourage to opportunity for ambush opportunity. Distances of 20'-0" or greater, between a pedestrian path of travel and any hidden area allow for increased reaction time and safety.

- Service Door Security: Equip service doors (except to rarely accessed equipment rooms) with a 6" square high strength plastic or laminated glass window centered and mounted at 63" from the bottom to the center of the glazing.

BUILDING ELEVATIONS:

14. Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Submit any additions or modifications for review during building plan check process. Planning inspection staff will field verify colors and materials during the construction phase.

15. Provide secure roof access from the interior of the office building. Do not expose roof access to public view.

16. Conceal roof drainage system within the interior of the building. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building.

17. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements.

18. Locate the electrical service entrance section (S.E.S.) inside the building.

19. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved by planning staff.

- Measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).

- Avoid upper/lower divided glazing panels in exterior windows at grade level, particularly where lower (reachable) glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. Do not propose landscaping or screen walls that conceal area around lower windows. If this mullion pattern is desired for aesthetic concerns, laminated glazing may be considered at these locations.

LIGHTING:

20. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.

- Follow the guidelines listed under appendix E "Photometric Plan" of the Zoning and Development Code.

LANDSCAPE:

- Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected" trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department (602-364-0935). Notice of Intent to Clear Land form is

available at www.agriculture.state.az.us . Follow the link to “form”, to “native plants”, and to “notice intent to clear land”.

- Indicate the location of all exterior light fixtures on the site, landscape (and photometric) plans. Avoid conflicts with lights in order to maintain illumination levels for exterior lighting.

21. Irrigation notes:
    a. Provide dedicated landscape water meter.
    b. Enclose backflow prevention device in a lockable, pre-manufactured cage.
    c. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½” feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½” (if any). Provide details of water distribution system.
    d. Locate valve controller in a vandal resistant housing.
    e. Hardwire power source to controller (no receptacle).
    f. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
    g. Provide temporary irrigation for the native hydro-seed area. Dismantle this irrigation system when germination of hydro-seed is seen.
    h. Repair existing irrigation system in the adjacent public right of ways where damaged by work of this project. Provide temporary irrigation to existing landscape in these frontages for period of time that irrigation system is out of repair. Design irrigation so this frontage is irrigated as part of the office system at the conclusion of this construction.

22. Include requirement in site landscape work to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.

23. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2” uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

SIGNAGE:

24. Provide one address sign on each building elevation, horizontally near either end of the elevation and vertically between the second floor level windows and the top of the building. Additionally place one address sign centered on the south elevation, over the main entrance. Match the height of all address signs.
    a. Conform to the following guidelines for building address signs:
        1) Compose address signs of 12” high, individual mount, metal reverse pan channel characters.
        2) Halo-illuminate each address from dusk to dawn.
        3) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
        4) Do not affix a number or letter to the building that might be mistaken for the address assigned to the building.
        5) Provide minimum 50 percent contrast between address and the background to which it is attached.
    b. Utility meters shall utilize a minimum 1” number height in accordance with the Tempe electrical code and utility company standards.
    c. Provide one address sign on the roof of the office building. Orient sign to be read from the south.
        1) Include street address number in 6’-0” high characters on one line and street name in 3’-0” high characters on a second line immediately below the first.
        2) Provide high contrast sign, either black characters on a light roof or white characters on a black field that is painted on the roof.
        3) Do not illuminate roof address.

- Obtain sign permit for any identification signs as well as for internally (halo) illuminated address signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process. Separate Development Plan Review process may be required if signs do not conform to chapter 9 of the Zoning and Development Code.

HISTORY & FACTS:

November 7, 1984 Design Review Board approved building elevations, site and landscape plans for University Center.

October 24, 1984 Board of Adjustment granted a variance to increase the maximum height for buildings one and two (B1 and B2) from 30 feet to 40 feet, with a five foot parapet above the maximum building height.

December 26, 1984 Board of Adjustment approved two variances for this site:
a. Reduce the number of parking spaces so that the ratio of parking spaces to gross office square footage is 1:220.
b. Reduce the size of the parking spaces from nine feet to 8 ½ feet, and the stall length from 20 feet to 18 feet.

March 27, 1985 Board of Adjustment approved a variance for an oversized "sale/lease" sign.

January 15, 1986 Design Review Board approved sign criteria for University Center.

January 22, 1986 Board of Adjustment approved variances for University Center:
a. Variance to increase the number of freestanding signs on the same street frontage from one to six.
b. Variance to increase the size of two directional signs from two s.f. to four s.f.
c. Variance to increase the maximum allowable height of the directional signs from three feet to six feet.
d. Variance to increase the maximum allowable height for all parking lot lighting standards from 16 feet to 17 feet 5 inches.

January 22, 1986 Board of Adjustment approved a variance to increase the parking lot lighting standards from 16 feet to 17 feet 5 inches.

November 18, 1987 Design Review Board denied a request to modify the sign package for University Center.

December 2, 1987 Design Review Board procedurally denied a request to modify the sign package for University Center.

January 14, 1988 City Council approved the request to appeal the December 2, 1987 decision of the Design Review Board.

April 19, 1988 Hearing Officer approved the following variances for University Center with the condition that they expire April 19, 1989:
a. Variance to allow a second freestanding "sale/lease" sign on the same street frontage.
b. Variance to allow an increase in the size of a "sale/lease" sign from six s.f. to 32 s.f.
c. Variance to allow an increase in the size of a second "sale/lease" sign from six s.f to 64 s.f.

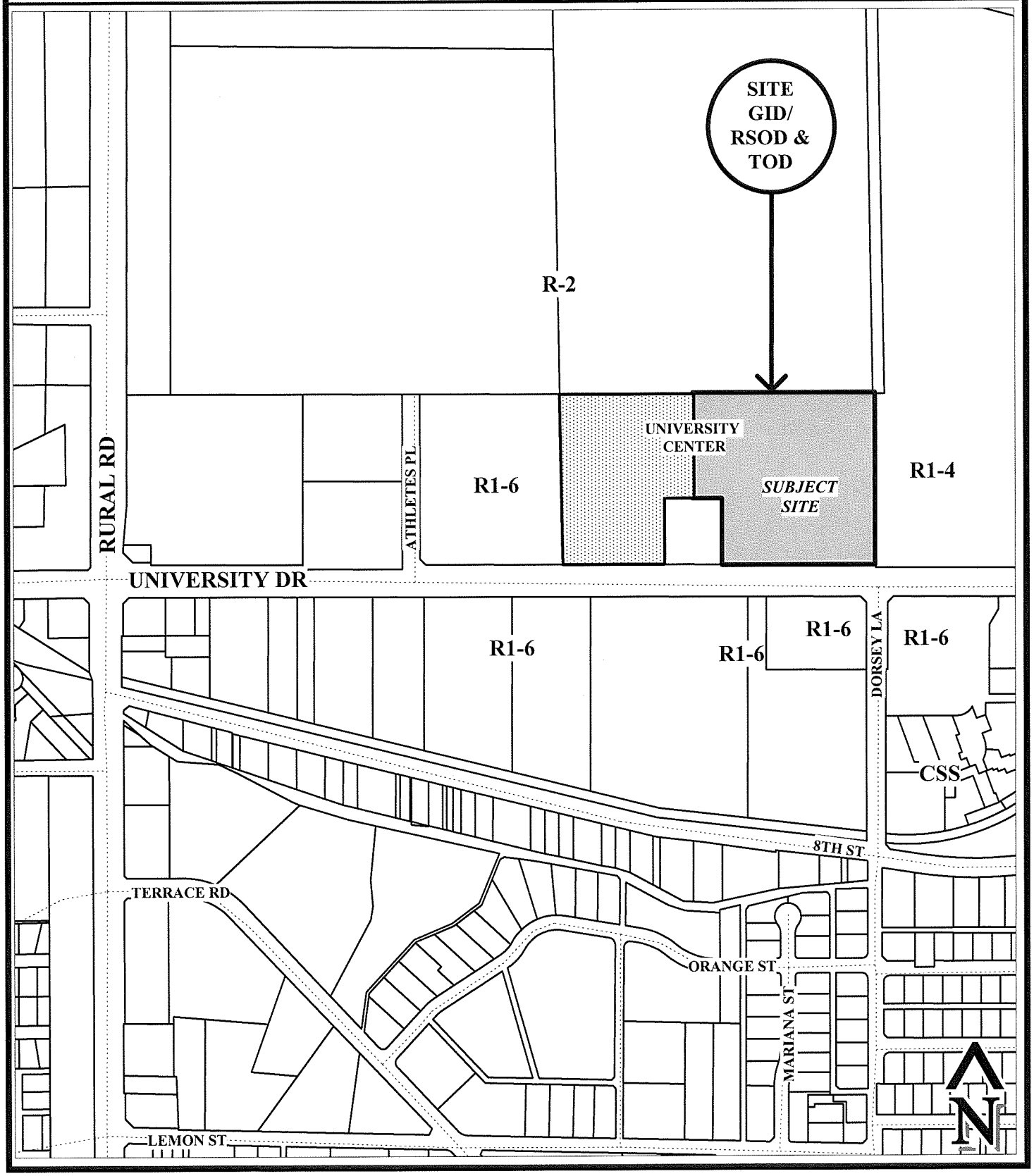
June 14, 1990	City Council approved the request for a site plan for University Center Phase I and Perkins Restaurant consisting of 172,452 s.f. on 12.06 net acreas and 5420 s.f. on .99 acres (Perkins) and approved the following: a. Use permit to allow a commercial use in an industrial district (Perkins restaurant) b. Variance to waive the required landscape islands at the end of certain rows of parking in the interior truck court.
November 20, 1990	Hearing Officer approved variance request to reduce the required on-site parking from 788 to 768 spaces, located at 1100 E. University Drive, in the I-1 and I-2 General Industrial Districts.
August 1, 2006	Zoning Administrator approval of the proposed project to meet the Transportation Overlay District intent through TOD Section 5-603 B.2 Option B per the objectives listed in Section 5-601 and the pedestrian environment in Figure 5-612F.
October 3, 2006	Hearing Officer approved a use permit to allow 86 more than the 500 maximum allowed surface parking spaces.

ZONING AND DEVELOPMENT CODE REFERENCE:

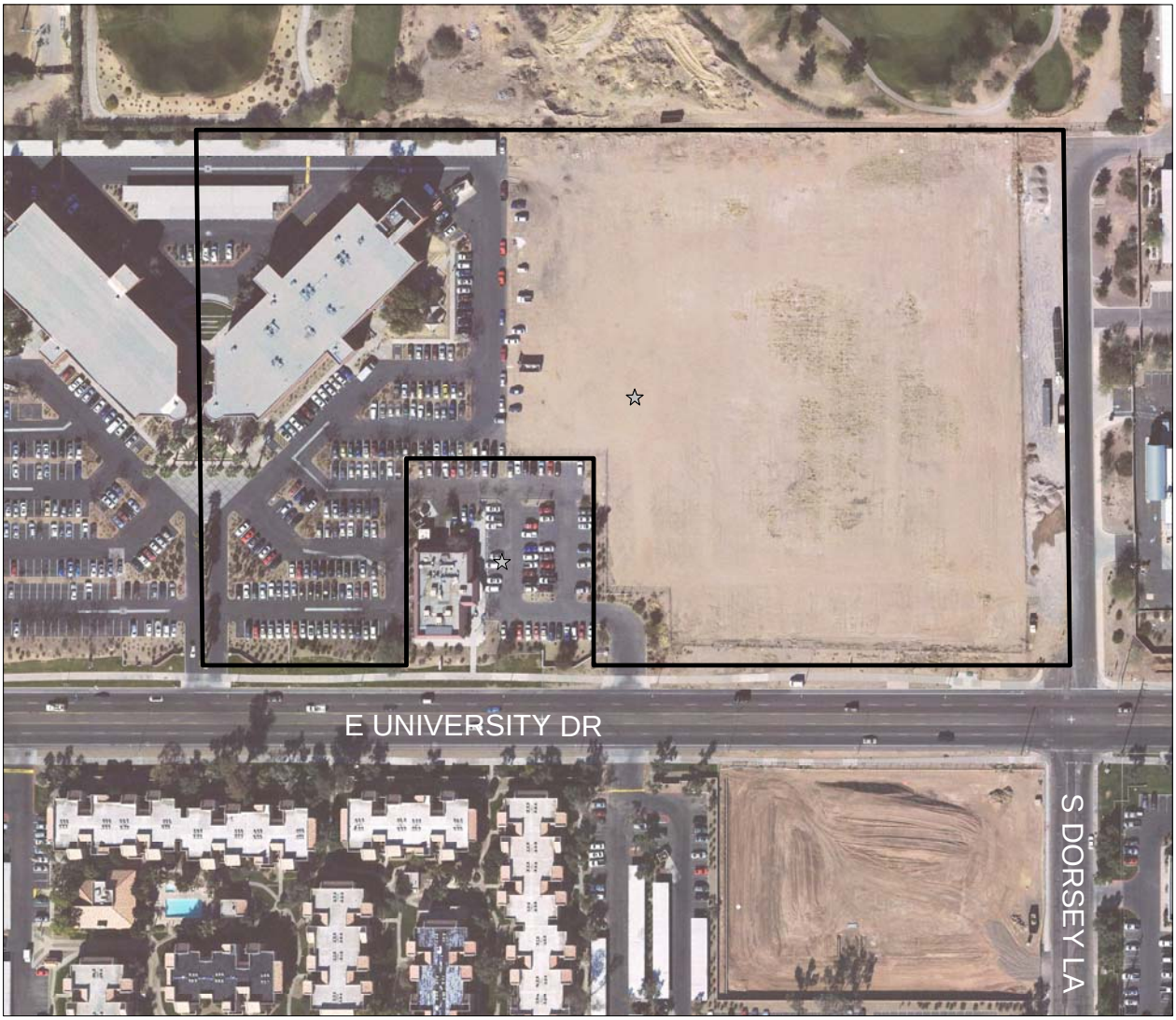
Section 6-305, Planned Area Development (PAD) Overlay districts
Section 6-306, Development Plan Review

Tempe

UNIVERSITY CENTER III	PL070127



Location Map



UNIVERSITY CTR OFFICE COMPLEX (PL070127)

LEGAL DESCRIPTION

University Center
Phase II Parcel
(Excludes Perkin's Parcel)

That portion of the Southwest quarter of Section 14, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at the Southwest corner of said Section 14; thence South 89° 43' 17" East (assumed bearing) along the South line of the Southwest quarter of said Section 14 a distance of 1039.85 feet to a point on the West line of that parcel described in Docket 10162, page 759, records of Maricopa County, Arizona; thence North 00° 16' 43" East along said West line a distance of 55.00 feet to a point on the North line of the South 55.00 feet of the Southwest quarter of said Section 14; thence South 89° 43' 17" East along said North line a distance of 1071.28 feet to the TRUE POINT OF BEGINNING:

Thence North 00° 16' 43" East a distance of 224.00 feet;

Thence North 89° 43' 17" West a distance of 95.78 feet;

Thence North 00° 16' 43" East a distance of 357.71 feet to a point on the North line of that parcel described in Docket 14217, page 1586, at the Maricopa County Recorder's Office, Arizona;

Thence South 89° 43' 17" East along the last described North line a distance of 601.33 feet to a point on the East line of said Southwest Quarter;

Thence South 00° 40' 47" East a distance of 581.79 feet to a point on the North line of the South 55.00 feet of said Southwest quarter;

Thence North 89° 43' 17" West along the last described North line a distance of 515.28 feet to the TRUE POINT OF BEGINNING:

Said parcel contains 331,175 square feet or 7.6027 acres, more or less.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
17375
Jay Edward
Mihalek
Date Signed 6/25/92
ARIZONA, U.S.A.

JM&A

90JOBS/9036LD/6-24-92

DEPICTION OF

PHASE II PARCEL

LOCATED IN

THE S.W. 1/4, SEC. 14, T1N, R4E,

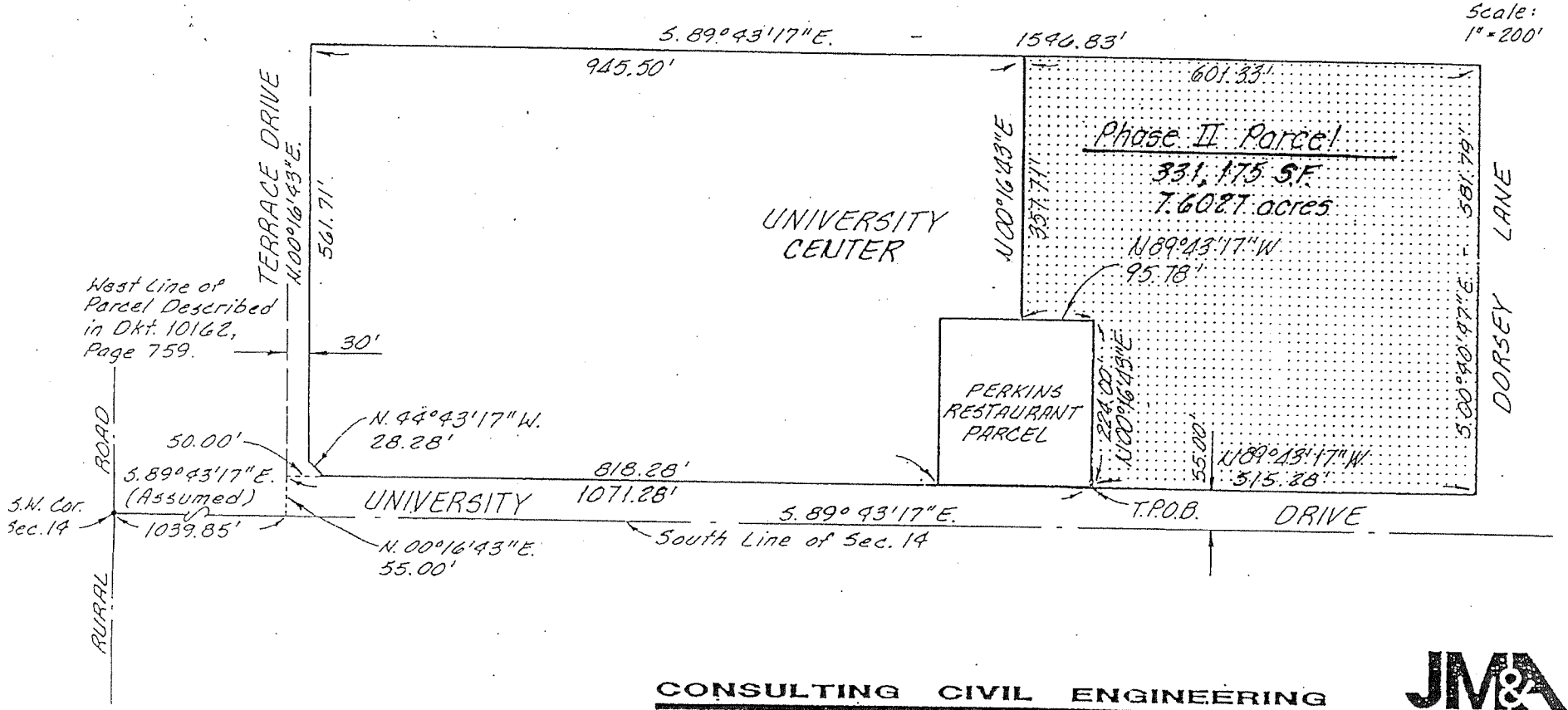
G. & S.R.B. & M., MARICOPA COUNTY,

ARIZONA

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
17375
Edward Mihalek
Date Signed
ARIZONA, U.S.A.

N

Scale:
1" = 200'



CONSULTING CIVIL ENGINEERING

745 E. Maryland Avenue, Suite 200, Phoenix, Arizona, 85014 (602)248-0286

JM&A

C2

University Center III

DFD CornoyerHedrick Architects
2425 E. Camelback Road, Suite 400
Phoenix, AZ 85016

16.March.2007

Project Intent and Design Rationale Narrative:

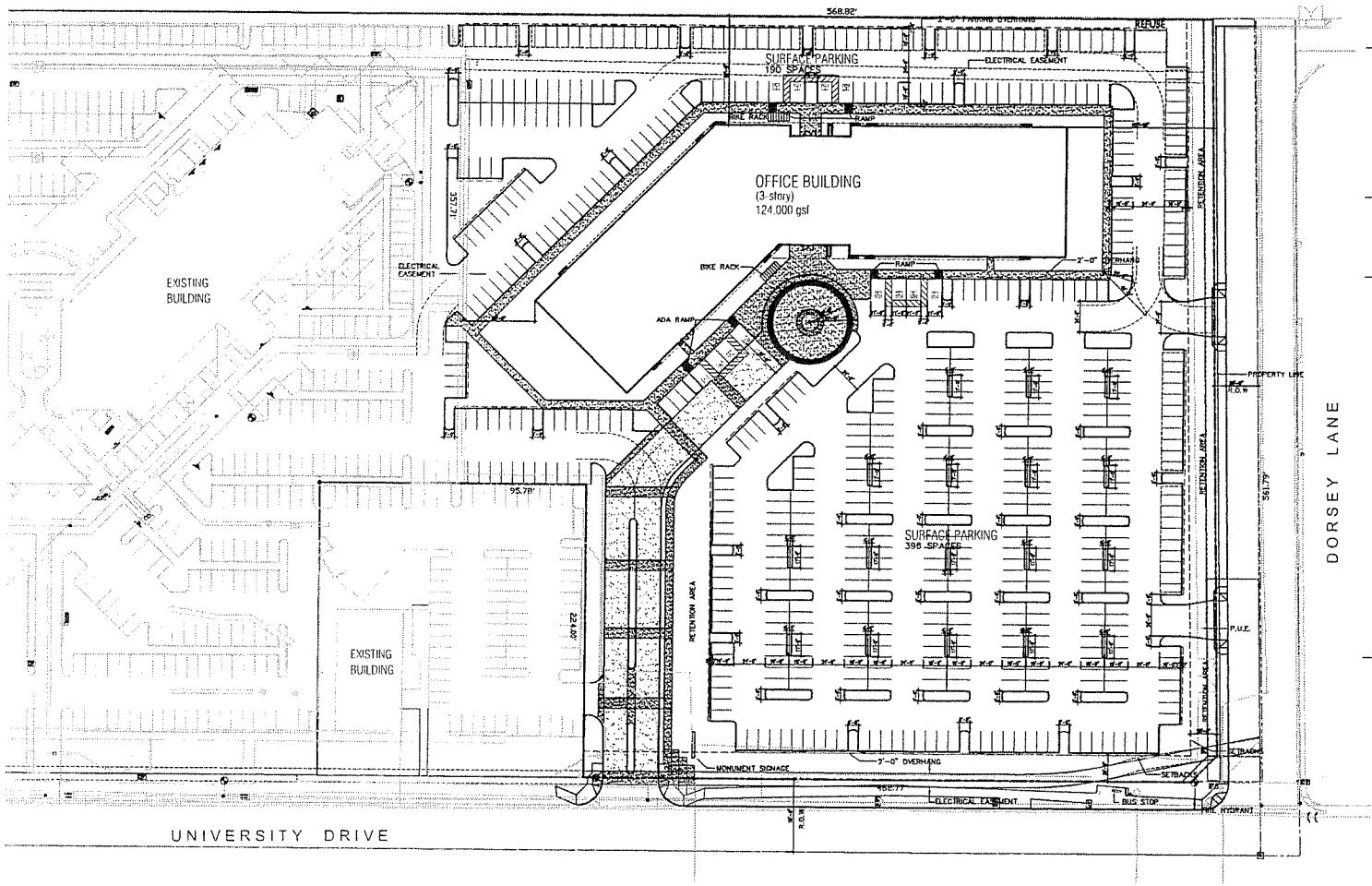
This project will be the third building to be part of the University Center office complex located along University Drive, and will add an additional 120,000 sf of leaseable office space to the Tempe market. In following with current office market trends, and meeting sophisticated tenant needs, materials of superior quality will be used, and sensible design considerations have been implemented to meet the demands of the unique desert climate. Details, materials, massing, and site arrangement choices have been made to ensure that this, most recent, addition to the University Center complex will blend in with neighboring buildings in a cohesive manner.

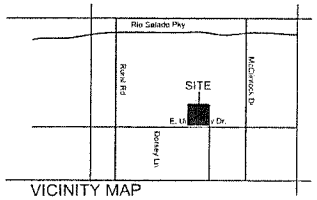
Although the project is set back from University Drive, a connection to the street will be forged through lit, and landscaped walkways leading to the building entrance. In addition, all on-site utilities will be underground, and the site landscaped in an attractive manner. In addition to the larger parking islands located throughout the parking field, additional "diamonds" will add to the overall foliage of the site, increasing the tree count, adding shade, and ensuing an overall pleasing aesthetic.

Like any modern office building, this project will be in full compliance with the Americans With Disabilities Act, as well as providing safe circulation and emergency egress.

Mike Edwards
Project Architect
DFD CornoyerHedrick
2425 E. Camelback Road, #400
Phoenix, AZ 85016

GOLF COURSE





VICINITY MAP

Site Data	
Parcel	132-34-003w, parcel 2
Address	1240 E. University Dr. (preliminary)
Zoning	GID (Rio Salado Overlay)
Site Area	7.60 acres (331,465 sf)
Building Area	124,000 gsf (120,000 rsf)
Parking Required	400 spaces (1/300 rsf)
Parking Provided	586 spaces (4.90 : 1000rsf) *(with use permit)
Accessible Required	08 spaces
Accessible Provided	12 spaces
Bike Required	15.5 (1/8000 sf)
Bike Provided	16
Parking Lot Landscape	23,400 sf (10% required)
	29,100 sf (12.44% provided)
F.A.R.	0.37

DFD CornoyerHedrick
Mike Edwards (contact)
2425 East Camelback Road STE.400
Phoenix, Arizona 85016
602.381.4848

1" = 40'-0"

SITE PLAN

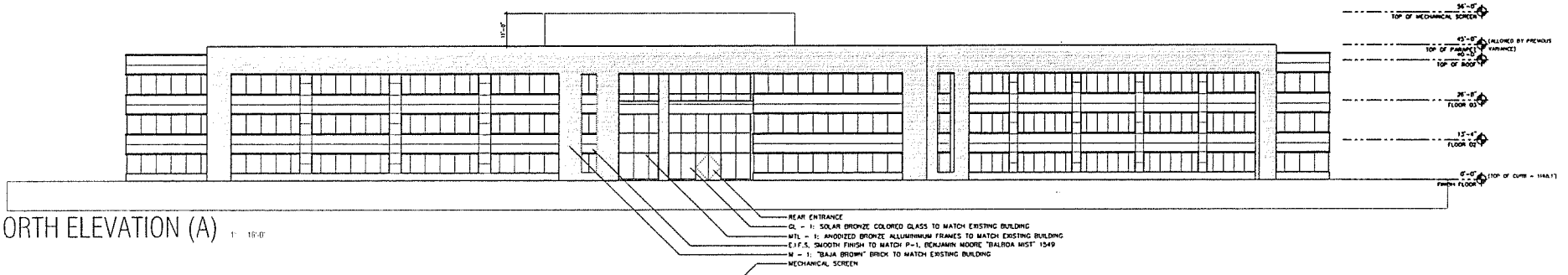
0' 40' 80' 120' 160'

All dimensions are approximate and subject to change.

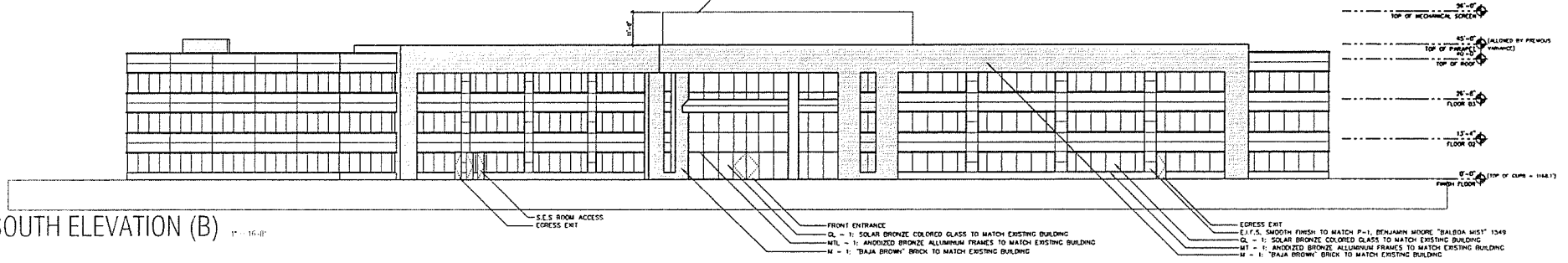
DFD CornoyerHedrick
architecture
interior architecture
space planning
facilities management
land planning
landscape architecture
graphic design

UNIVERSITY CENTER III
Tempe, Arizona
06228
02.MAY.2007

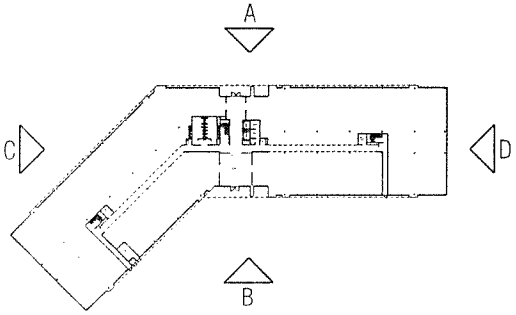
ST PAUL TRAVELERS

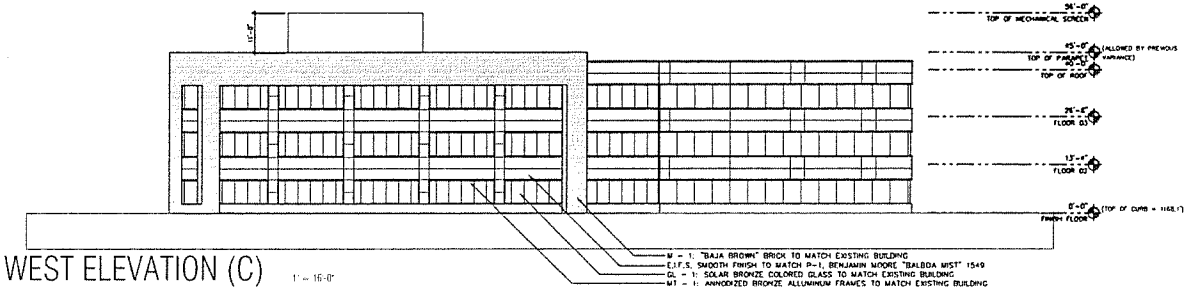


NORTH ELEVATION (A) 1" = 16'-0"



SOUTH ELEVATION (B) 1" = 16'-0"





WEST ELEVATION (C) 1" = 16'-0"

1" = 16'-0"

0' 16' 32' 48' 64'

ELEVATIONS

All calculations are approximate and subject to change.

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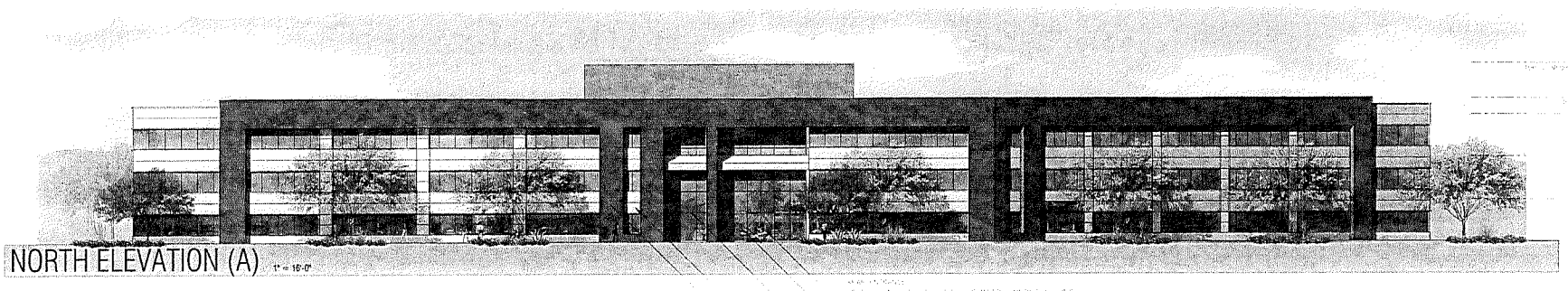
ST PAUL TRAVELERS



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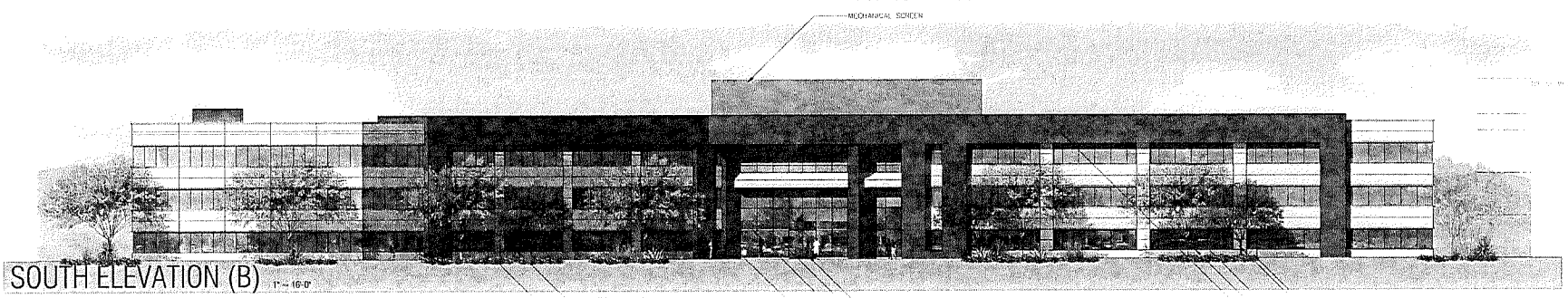

SOUTH ELEVATION (B) 1" = 16'-0"

G

DFD ComoyerHedrick

architecture
interior architecture
space planning
facilities management
land planning
landscape architecture
graphic design

1" = 16'-0"

0' 16' 32' 48' 64'

ELEVATIONS

All exhibitions are approximate and subject to change.

UNIVERSITY CENTER III
Tempe, Arizona

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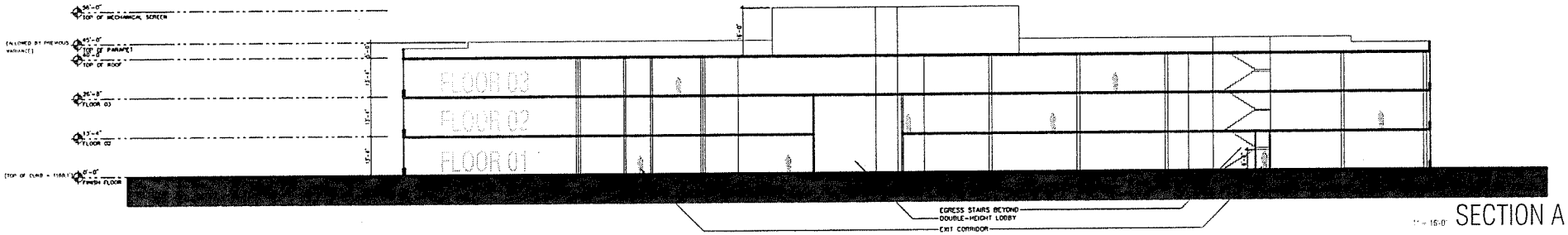
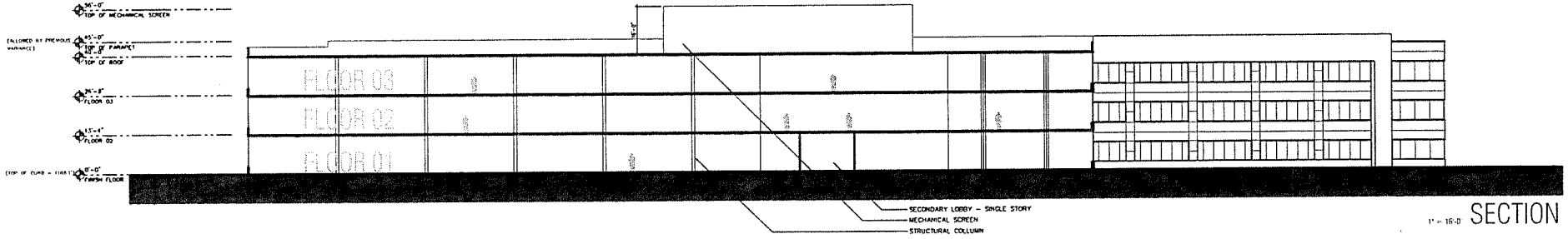
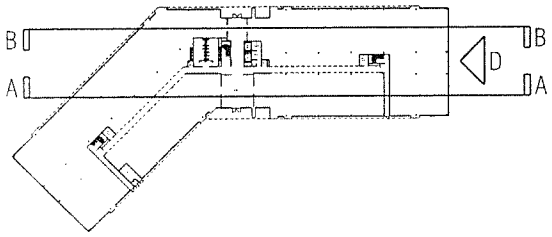
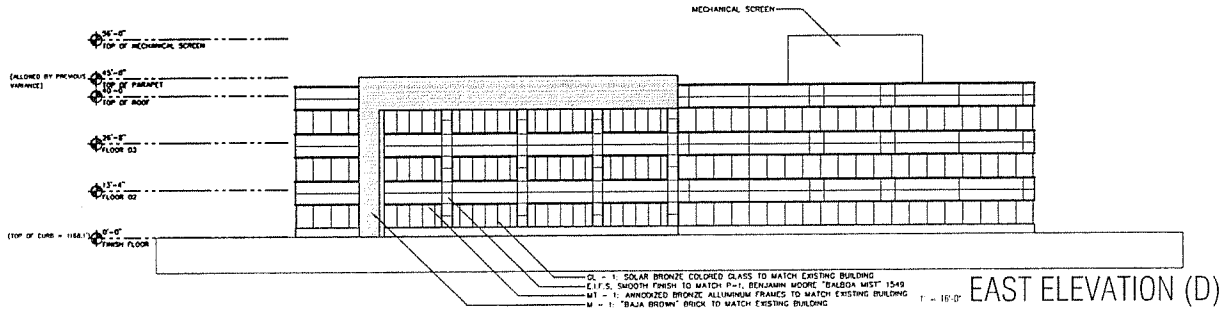


1" = 16'-0" SECTION A



1" = 16'-0" SECTION B





1" = 16'-0" EAST ELEVATION (D)

1" = 16'-0" SECTIONS/ELEVATION

0' 16' 32' 48' 64'

All dimensions are approximate and subject to change.

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Tempe, Arizona
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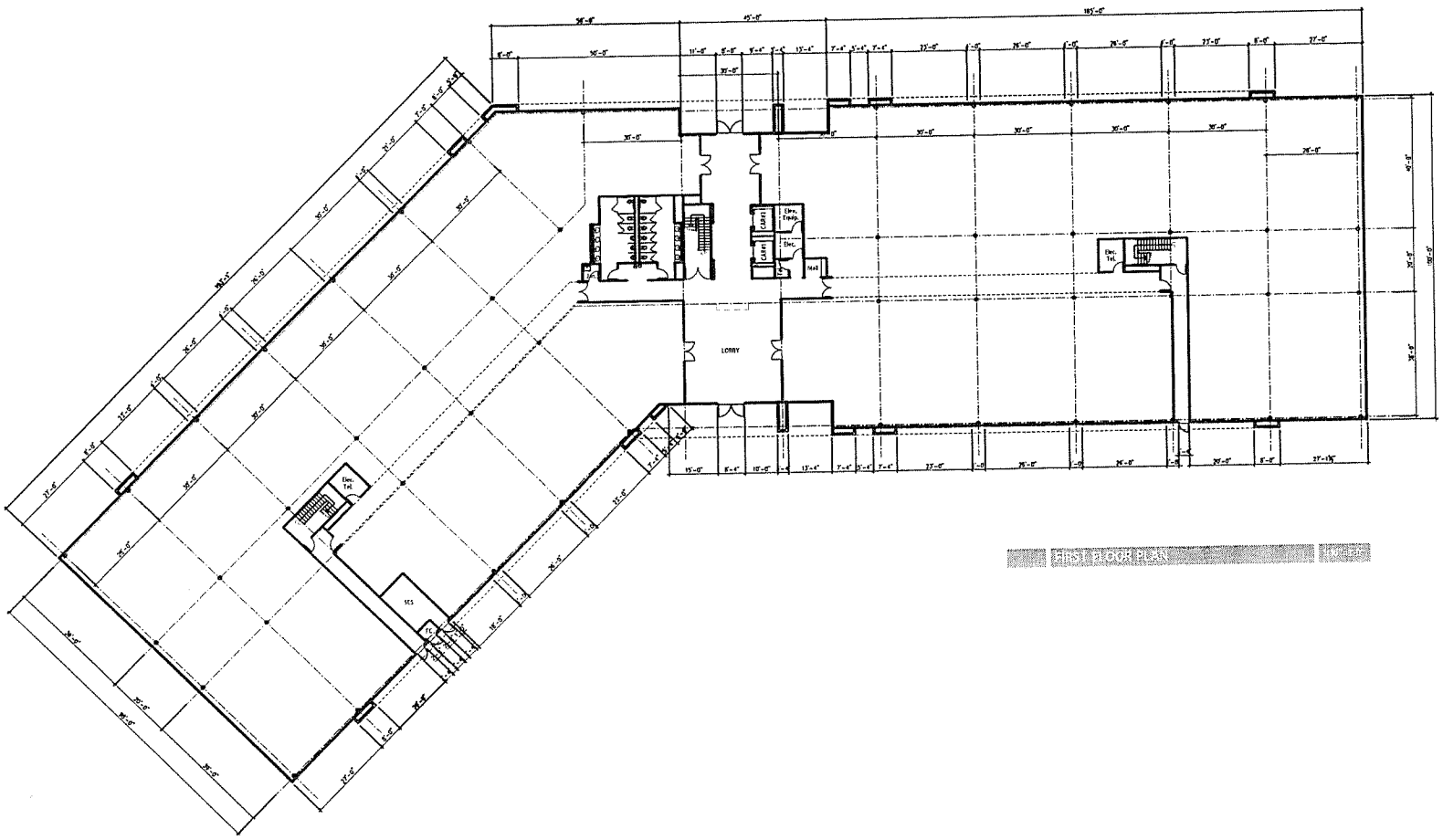
ST PAUL TRAVELERS



FIRST FLOOR PLAN

1" = 16'-0"

0' 16' 32' 48' 64'

All dimensions are approximate and subject to change.

NORTH

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Tempe, Arizona

06228
15.MAR.07

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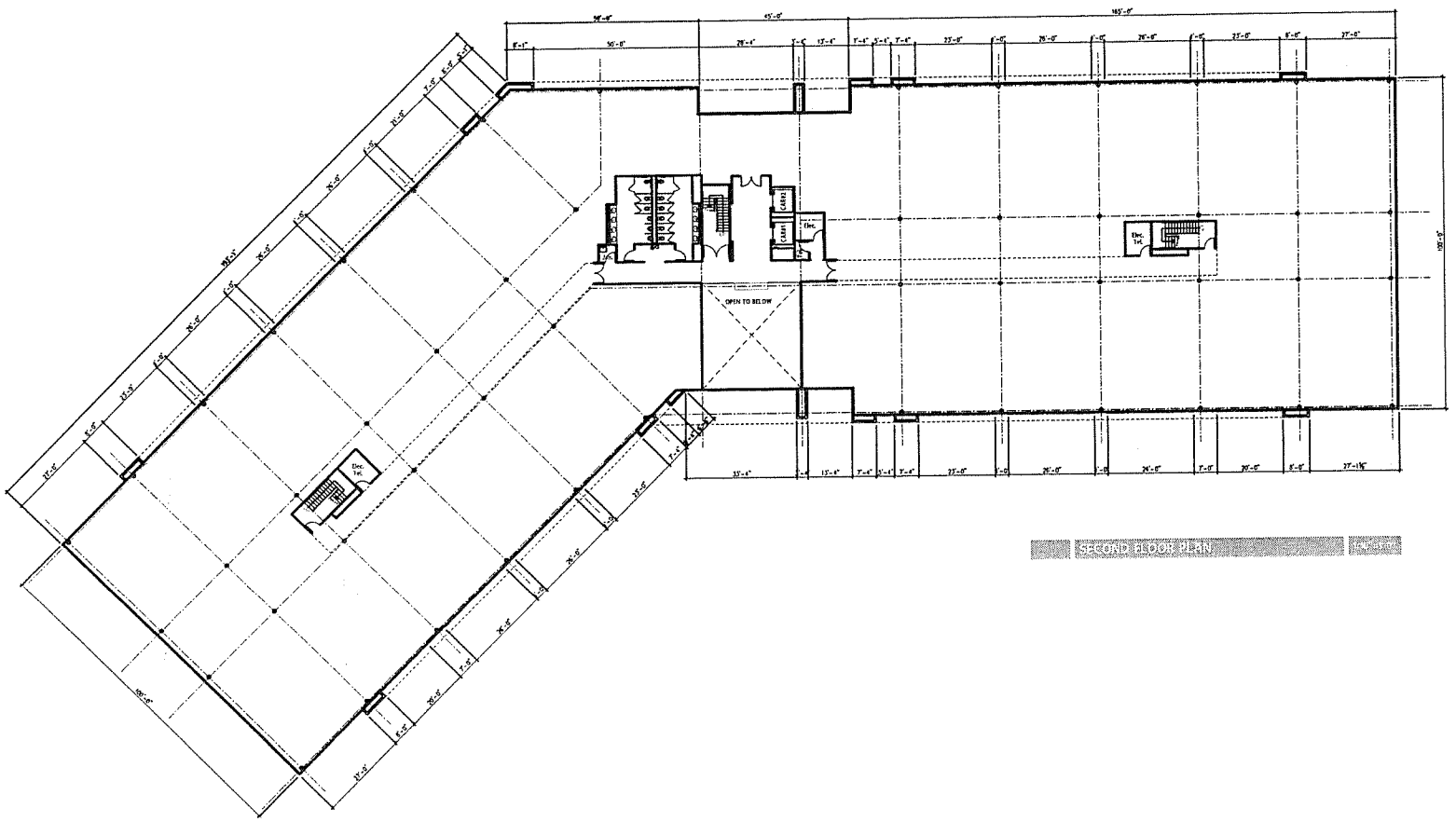

SECOND FLOOR PLAN

1" = 16'-0"

0' 16' 32' 48' 64'

All calculations are approximate and subject to change

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land planning
landscape architecture
graphic design

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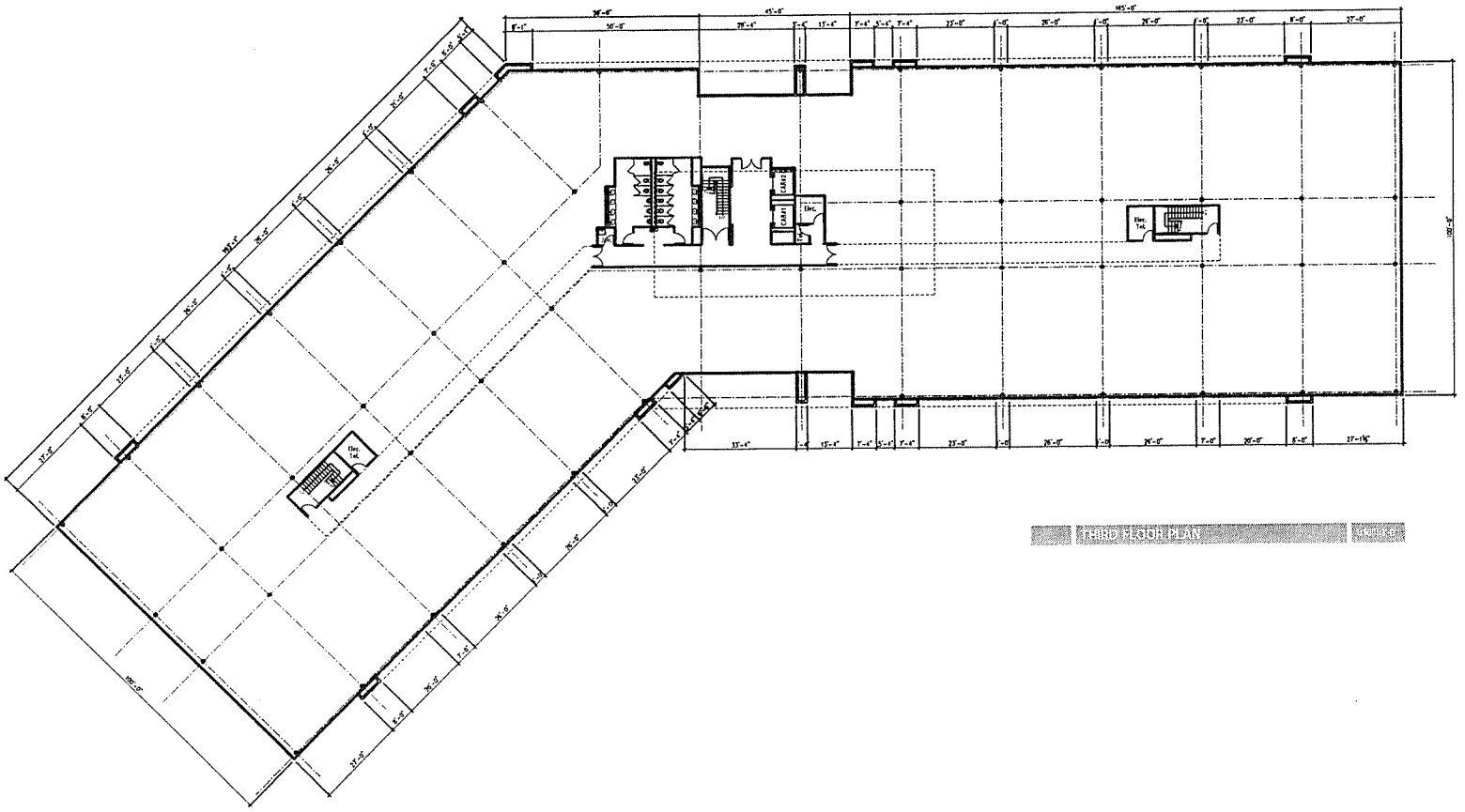
ST PAUL TRAVELERS



THIRD HEIGHT PLAN

1" = 16'-0"

0' 16' 32' 48' 64'

All dimensions are approximate and subject to change.

north

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space planning
facilities management
land planning
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graphic design

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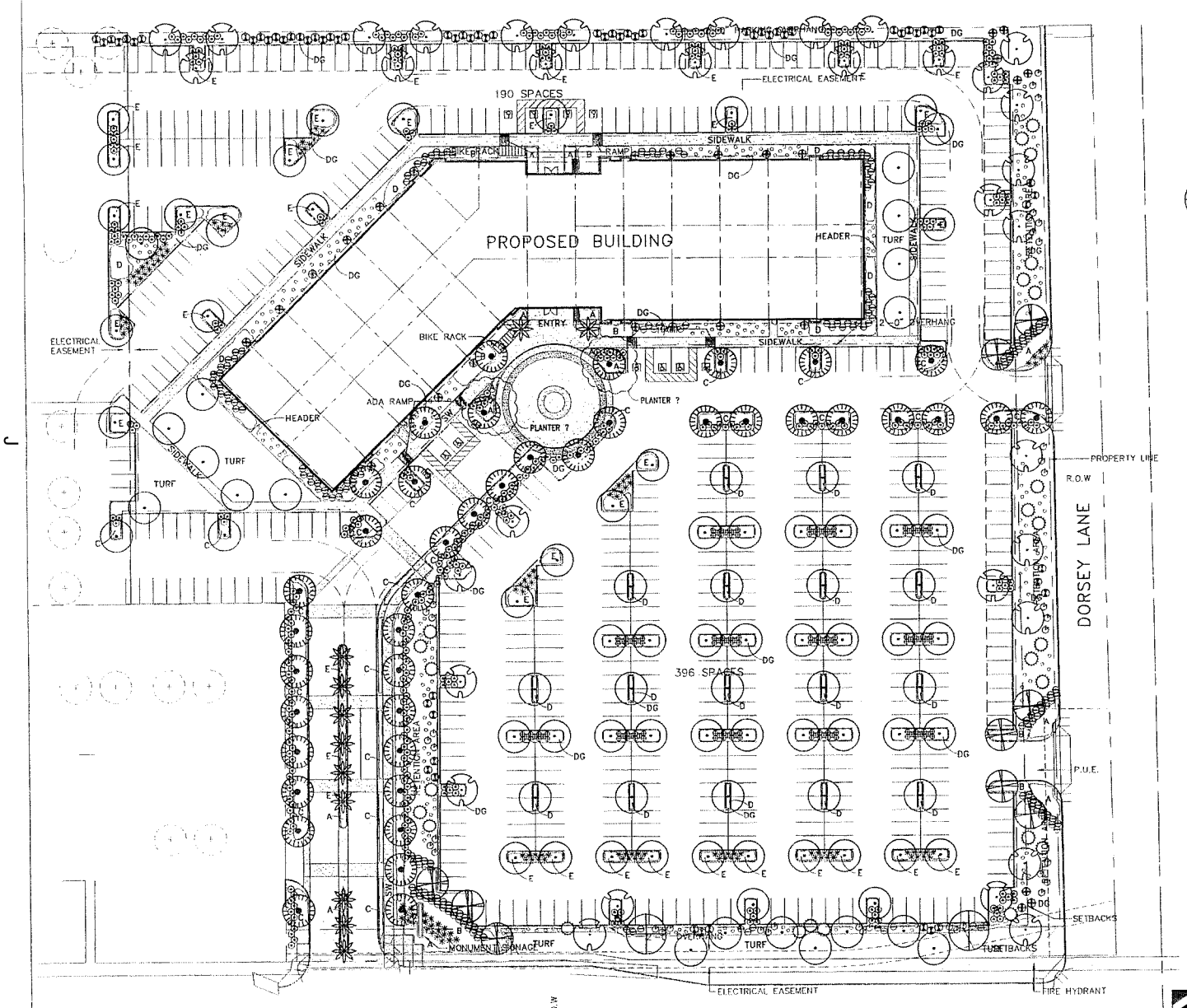
15.MAR.07

ST PAUL TRAVELERS



PROPOSED PLANT PALETTE

TREES

	CALIFORNIA FAN PALM	25' HEIGHT MATCHED SKINNED
	EXISTING TREE (TO REMAIN)	
	BLUE PALO VERDE	36" BOX, LOW BREAKER MATCHED
	HYBRID MESQUITE	36" BOX, LOW BREAKER MATCHED
	LIVE OAK	36" BOX, LOW BREAKER MATCHED
	EVERGREEN ELM	24" BOX
	HYBRID MESQUITE	24" BOX, LOW BREAKER MATCHED

SHRUBS

	BAJA RUELLIA	5 GAL
	RED YUCCA	5 GAL
	PETITE SALMON DWARF OLEANDER	5 GAL
	RIO BRAVO SAGE	5 GAL
	BAJA FAIRY DUSTER	5 GAL
	MEXICAN BIRD OF PARADISE	15 GAL
	MUHLENBERGIA SPECIES	5 GAL
	VALENTINE BUSH	5 GAL
	CORDIA	5 GAL

GROUNDCOVER

[A]	TRAILING YELLOW LANTANA	1 GAL. @ 3'-0" O.C.
[B]	TRAILING ROSEMARY	1 GAL. @ 3'-0" O.C.
[C]	HALL'S HONEYSUCKLE	1 GAL. @ 3'-0" O.C.
[D]	DAMIANITA	1 GAL. @ 3'-0" O.C.
[E]	GREEN CARPET NATAL PLUM	1 GAL. @ 3'-0" O.C.

DG — DECOMPOSED GRANITE
SIZE AND COLOR TO MATCH EXISTING PHASE I

TURF — MIDIRON SOD

HEADER — CONCRETE CURB MAKER OR EQUAL

GENERAL NOTES

1. ALL PLANTING AREAS TO HAVE TOP DRESSING OF DECOMPOSED GRANITE TO MATCH EXISTING 2" THICK, TYP., APPLIED OVER PRE-EMERGENT PER MANUFACTURERS SPECS.
2. NO PLANT SUBSTITUTIONS ALLOWED UNLESS APPROVED BY LANDSCAPE ARCHITECT AND CITY OF SCOTTSDALE.
3. VERIFY ALL CONDITIONS IN FIELD PRIOR TO BIDDING/CONSTRUCTION.
4. LANDSCAPE CONTRACTOR RESPONSIBLE TO PROTECT EXISTING IMPROVEMENTS, REPAIR AND REPLACE AS REQUIRED DUE TO CONSTRUCTION.
5. ADJUST NEW LANDSCAPE TO ACCOMODATE EXISTING LANDSCAPE TO REMAIN.
6. LANDSCAPE ARCHITECT TO APPROVE ALL TREES PRIOR TO DELIVERY TO SITE, 72 HRS NOTICE REQUIRED
7. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL HE/SHE DEEMS UNACCEPTABLE.
8. ANY/ALL QUANTITIES FOR CONVENIENCE ONLY, CONTRACTOR TO ENSURE QUANTITIES
9. PROVIDE FULL COVERAGE AS DRAWN ON PLAN.
10. ANY EXISTING PLANTING DISTURBED BY CONSTRUCTION TO BE REPLACED WITH LIKE SPECIES/SIZE.

-PRELIMINARY-
NOT FOR CONSTRUCTION

CONCEPTUAL PLANTING PLAN

NORTH

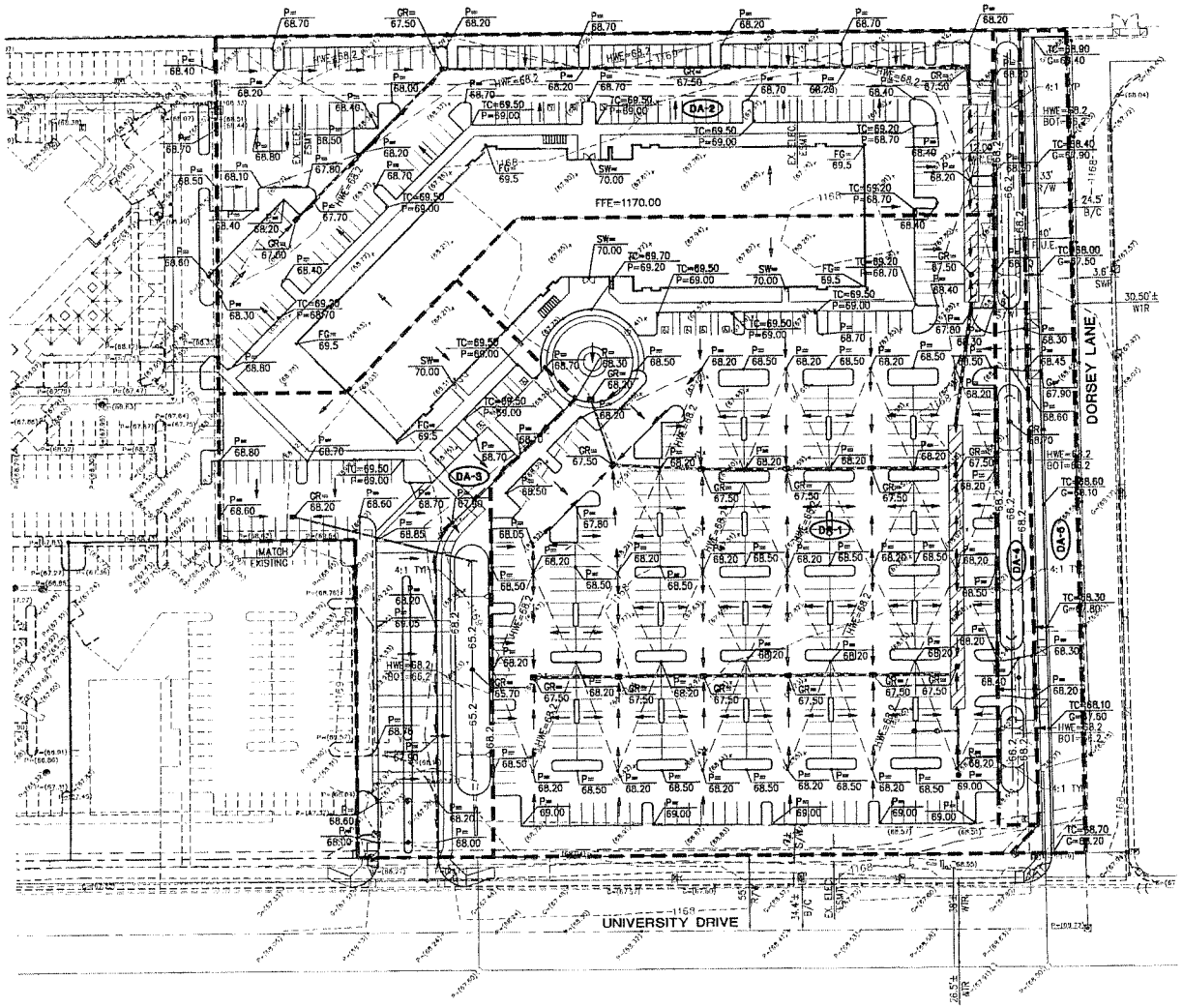
0 30 60 90

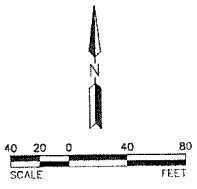
1"=30'-0"

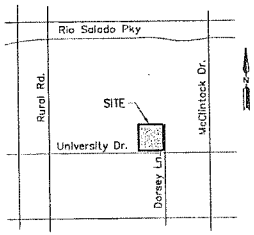
ST. PAUL UNIVERSITY
TEMPE, ARIZONA

G.K. FLANAGAN ASSOCIATES, INC
LANDSCAPE ARCHITECTURE
4020 N. 44th STREET PHOENIX, AZ 85018
602 . 912 . 3883 tel
602 . 912 . 3883 fax

revisions:
date:
contents:
sheet no.







VICINITY MAP
N.T.S.

BENCHMARK

BRASS CAP IN HAND HOLE AT THE INTERSECTION OF UNIVERSITY DRIVE AND RURAL ROAD.
ELEVATION = 1166.36' (CITY OF TEMPE DATUM)

LEGEND

- EXISTING CONTOUR
- EXISTING ELEVATION
- 66.0 FINISH CONTOUR
- P= PAVEMENT ELEVATION
- TC= PAVEMENT ELEVATION
- SW= PAVEMENT ELEVATION
- GR= TOP OF GRATE ELEVATION
- FG= FINISH GRADE ELEVATION
- FFE= FINISH FLOOR ELEVATION
- DIRECTION OF DRAINAGE
- GRADE BREAK LINE
- LIMITS OF DRAINAGE AREA
- DA-4 DRAINAGE AREA
- HWE= BASIN HIGHWATER ELEVATION
- BOT= BOTTOM OF BASIN
- 100 C.F. RETENTION VOLUME PROVIDED
- STORM DRAIN
- HEADWALL
- CATCH BASIN
- STORM WATER DRYWELL
- ACCESS/INSPECTION MANHOLE
- MAXWELL PLUS DRYWELL
- 120" CMP RETENTION PIPE

RETENTION CALCULATIONS

VOLUME REQUIRED = $\left(\frac{P}{12}\right)AC$

D = 2.4" (100 YEAR, 1 HOUR STORM)
A = AREA IN SQUARE FEET
C = 0.95

$V_R = \left(\frac{2.4}{12}\right)(331,465)(0.95)$

$V_R = 62,978$ C.F.

$V_P = 64,064$ C.F.

RETENTION SUMMARY

DRAINAGE AREA	AREA (SF)	RETENTION REQUIRED (CF)	PROVIDED RETENTION (CF)	COMMENTS
DA-1	156,241	30,066	35,760	+5,694 C.F.
DA-2	90,061	17,111	15,624	-1,487 C.F./ CONNECTION TO DA-1
DA-3	50,538	9,602	6,120	-3,482 C.F. / CONNECTION TO DA-1
DA-4	13,226	2,513	6,560	+4,047 C.F. / RETAINS DA-5
DA-5*	19,399	3,686	0	-3,686 C.F. / RETAINED IN DA-4
TOTAL	331,465	62,978	64,064	+1,086 CF / OK

*DORESY LANE RIGHT-OF-WAY

ENGINEER

CMX L.L.C.,
16165 NORTH 83RD AVENUE, SUITE 201
PEORIA, ARIZONA 85382
PHONE: (623) 466-6040

PROJECT ENGINEER: VICTOR J. PILAR
AZ. REG. NO. 32540

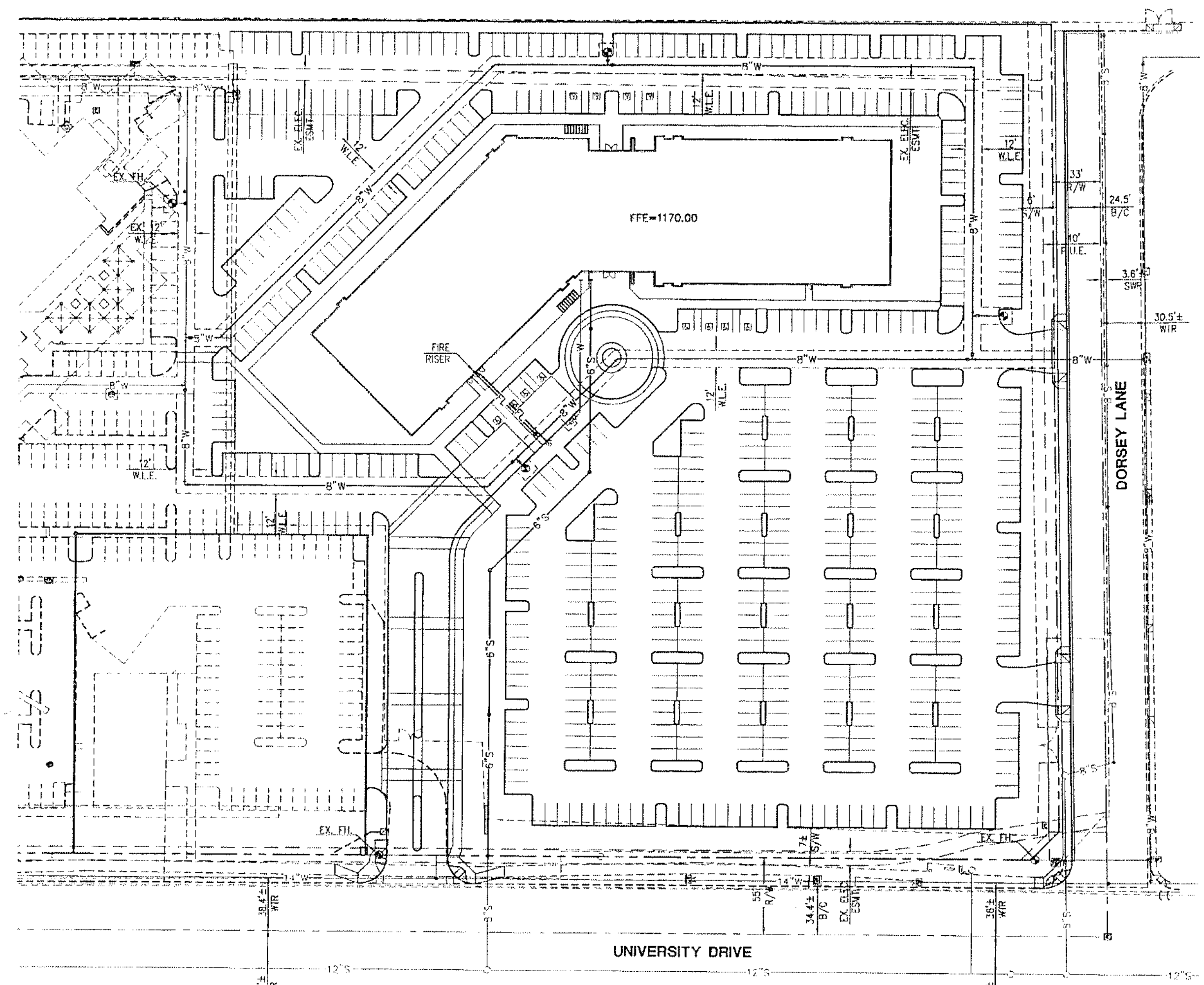
CONTACT: GEORGE SWARSTAD

32540 VICTOR J. PILAR 5-1-07

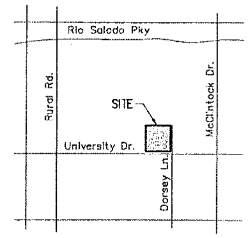
UNIVERSITY CENTER III
NWC UNIVERSITY DRIVE & DORSEY LANE
TEMPE, ARIZONA

PRELIMINARY GRADING & DRAINAGE PLAN

CMX PROJ. 7507	
DATE: 05-01-07	
SCALE: 1"=40'	
DESIGNED: GS	DRAWN: JR
APPROVED: VJP	
REV.	DWG. NO. PGD1
	SHT. 1 OF 1



SCALE 40 20 0 40 80 FEET



VICINITY MAP
N.T.S.

BENCHMARK
BRASS CAP IN HAND HOLE AT THE INTERSECTION OF UNIVERSITY DRIVE AND RURAL ROAD. ELEVATION = 1166.36' (CITY OF TEMPE DATUM)

LEGEND

- ——W—— WATER LINE
- ——FL—— FIRE LINE
- ——S—— SEWER LINE
- ——SD—— STORM DRAIN
- FIRE HYDRANT
- WATER METER
- BACKFLOW PREVENTION ASSEMBLY
- FIRE DEPARTMENT CONNECTION
- WATER VALVE
- SEWER CLEANOUT
- SEWER MANHOLE
- SEWER FLOW

ENGINEER
CMX L.L.C.
16165 NORTH 83RD AVENUE, SUITE 201
PEORIA, ARIZONA 85382
PHONE: (623) 466-6040

PROJECT ENGINEER: VICTOR J. PILAR
AZ. REG. NO. 32540

CONTACT: GEORGE SWARSTAD

32540 VICTOR J. PILAR 5-1-07

UNIVERSITY CENTER III
NWC UNIVERSITY DRIVE & DORSEY LANE
TEMPE, ARIZONA

PRELIMINARY SITE UTILITY PLAN

CMX PROJ. 7507		
DATE: 05-01-07		
SCALE: 1"=40'		
DESIGNED: GS	DRAWN: JR	APPROVED: VJP
REV.		DWG. NO. UT1
		SHT. 1 OF 1

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

July 6, 2006

Via E-mail/Original by Hand Delivery

Ms. Lisa Collins
City of Tempe
31 East Fifth Street
Tempe, Arizona 85281

RE: St. Paul Properties-University Center Final Phase
Northwest corner of University Drive and Dorsey Lane (Extended)
1180 East University Drive, Tempe, Arizona
Request for Administrative Determination Under Tempe's Transportation Overlay District ("TOD")

Dear Lisa,

We are writing on behalf of our client, St. Paul Properties, to request an administrative determination under the City's new TOD Ordinance Section 5-603 that the location of the final phase of St. Paul Properties' University Center referenced above is in general conformance to the intent of the TOD Ordinance as outlined in Section 5-601.

BACKGROUND

During initial discussions with the City Planning Staff over the design of the final phase of the University Center project, St. Paul Properties' representatives were informed that the new TOD Ordinance would apply to the project under Section 5-602 A. and A1, which define properties to be within the District if "any portion of the parcel or **development** (emphasis added) is adjacent to the public right-of-way located within 1,950 linear feet from the center of a light rail station platform, measured along the center of the public right-of-way." We have prepared an exhibit that shows the distance from the proposed Rural/University Light Rail Station to the closest edge of the overall University Center "**development**" (i.e. 1,267 linear feet) and the distance from the same Light Rail Station to the closest point of this final phase of development which is actually 2,349 feet (See attached Exhibit A: Light Rail Alignment and Station Location).

The initial buildings in University Center were built before the adoption of the TOD Ordinance and will not change. Their location at the north end of the site and their orientation toward ASU's Kartsen Golf Course are established and thus the pattern of development for this final phase has already been set. Moreover, this final phase is nearly ½ mile away from the closest

transit station. While a strict interpretation of the definition of "development" may pull this final phase into the TOD, by practical application this office building is far outside the true influence area of the transit line and station. St. Paul Properties understands the City's desire to encourage both new and redevelopment projects near the light rail line to incorporate the design provisions of the TOD and we believe that this final phase of the University Center project has been designed to incorporate the TOD's objectives to promote alternative modes of transportation such as walking, bicycling, riding the bus or light rail. These pedestrian friendly features are outlined below.

REQUEST

Section 5-603 allows the City's Development Services Manger or designee to grant relief from the "literal standards" if a project "generally conforms to the intent of the Transportation Overlay District as outlined in the purpose and objectives in Section 5-601 of this Chapter." Although we believe this site should really have been excluded from the TOD (since it is well over 2,000 feet away from the closest light rail station), we are providing you with the following information to demonstrate how this office building complies with the objectives of the ordinance:

Pattern of Development Established:

- As noted above, the pattern of development for University Center was established with the earlier phases of this multi-phased project. This final phase located at the northwest corner of University Drive and the Dorsey Lane alignment will have tenants in common with the adjacent buildings to the west, so forcing this final building forward to the frontage on University Drive would break the convenient and safe pedestrian flow between buildings. (See attached Exhibit B-Master Site Plan for University Center).

All Other Nearby Properties Built Prior to TOD Ordinance:

- There are no other vacant parcels near this final phase, so relief from the locational criteria of the TOC for this single building will not set any negative precedent. ASU's Karsten Golf Course is located to the north of this parcel and the APS Ocotillo Power Plant and the Joint Fire Training Center are located to the east. The TOD boundaries do not stretch this far east of Rural Road for any other parcel to the east or south. (See Aerial Photograph attached as Exhibit C and TOD Boundary Map attached as Exhibit D).

Pedestrian Safety/Amenities and Convenient Access to Bus Stop Incorporated into the Site:

- The site and building design for the final phase has incorporated special features for pedestrian safety and convenience while minimizing conflicts between vehicles and pedestrians. For office workers and customers using the light rail and/or bus service, the plan now provides a formal promenade entrance with a strong shaded pedestrian pathway that provides a safe, accessible, comfortable and pleasant environment from the

bus stop on University Drive directly to the entrance of the building. (See attached Master Site Plan Exhibit B). Moreover, the landscaping in the parking lot for this final phase has been significantly increased in size and quantity to provide far more shade for pedestrians and those using the parking lot. Driveway access for automobiles and shaded walk ways for pedestrians have been separated for safety and convenience.

Pedestrian Interaction Between Phases:

- The basic justification for requiring buildings in the TOD to be brought out to the street frontage is to create a better interface with the light rail transit line and the station itself. In this case, the light rail line runs in an angled alignment more than ½ mile away from the site. And the closest station is west of Rural Road. (Refer to Exhibit A). So the pedestrian interaction between the buildings in this complex out weighs the value of moving the final office building away from the others. Indeed, the final building has been designed to encourage safe and attractive pedestrian activity with adjacent buildings. There is now a direct shaded pedestrian pathway linking the front entrance of both buildings to each other.

Building Location Partially Screens Visual Impact of Power Plant:

- Another benefit locating the proposed building along the northern portion is that the negative visual impacts associated with the adjacent APS power plant are minimized and the view shed for the tenants of the building can focus more on the visual amenities of the golf course/open space and Papago Mountain rather than the power plant.

Dual Building Design:

- The design of the building itself incorporate dual orientation both to the south to University Drive and to the north to Karsten Golf Course. The building elevations have strong visual appeal on all sides as well as architectural harmony with the earlier phases to the west. As the final phase of this modern office complex, care has been taken in the design of the eastern most building to reinforce and strength the architectural relationship between buildings that in turn stabilizes the solid tenant mix by providing additional growth opportunities into this final building.

CONCLUSION

While the building placement for this final phase does not meet the strict interpretation for locating building's along street frontage's, we believe the intent of the TOD to provide a quality urban design that attracts and encourages pedestrian activity and one that creates a safe, accessible, comfortable and pleasant distance for pedestrian to travel between buildings and from the closest bus stop is being met. When the location and design of this building is evaluated in its full context, we believe it qualifies for administrative relief under Section 5-603.

We hope you will agree with this assessment and grant the requested administrative determination of compliance. If you have any questions or require any additional information, please do not hesitate to give us a call.

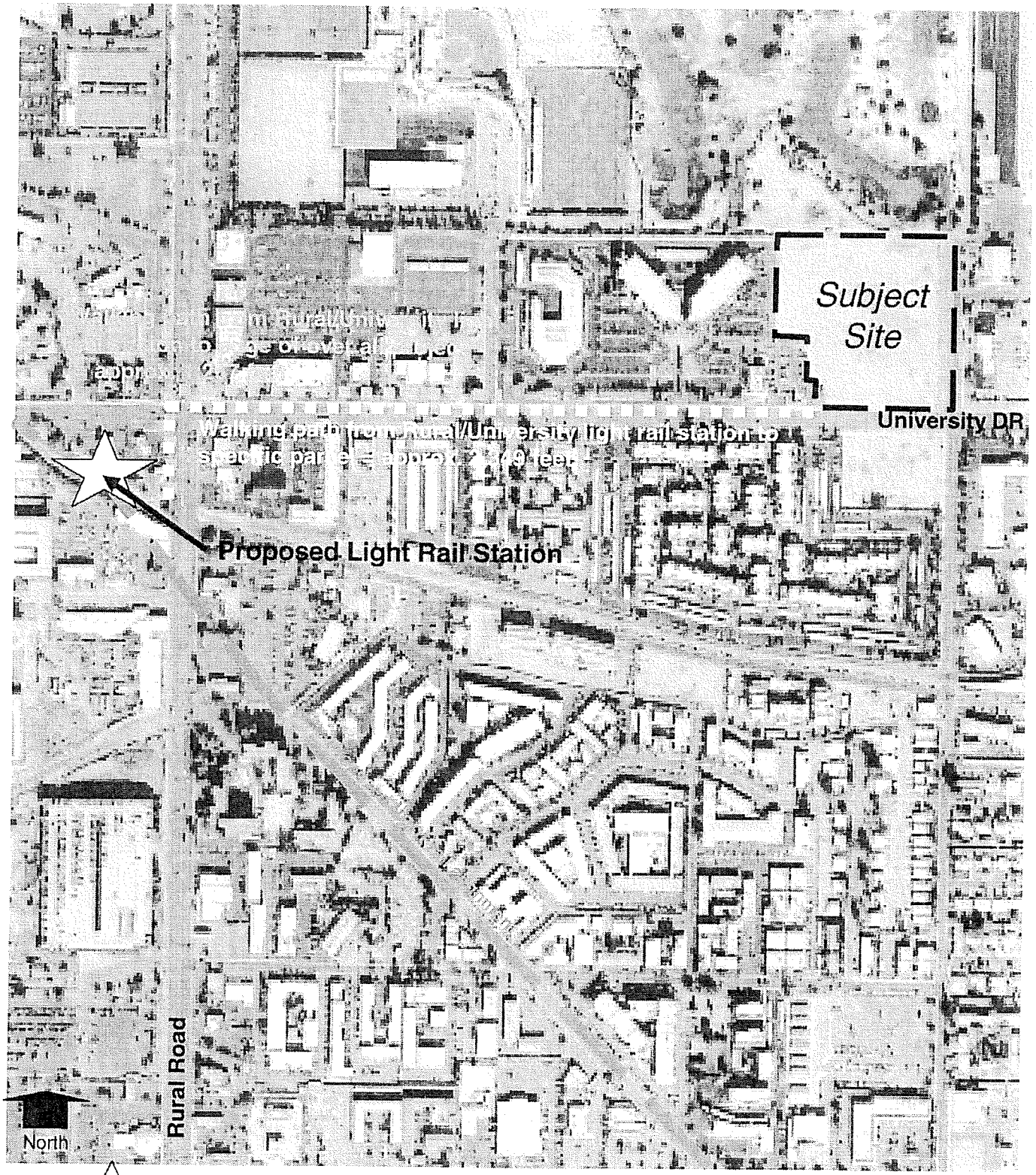
Very truly yours,

Stephen C. Earl

SCE/rot

Attachments: Exhibit A Walking path from Light Rail Station
Exhibit B Master Site Plan
Exhibit C Aerial Photo
Exhibit D Excerpt from TOD Section

C: Elizabeth Cobb
Peter Lyons



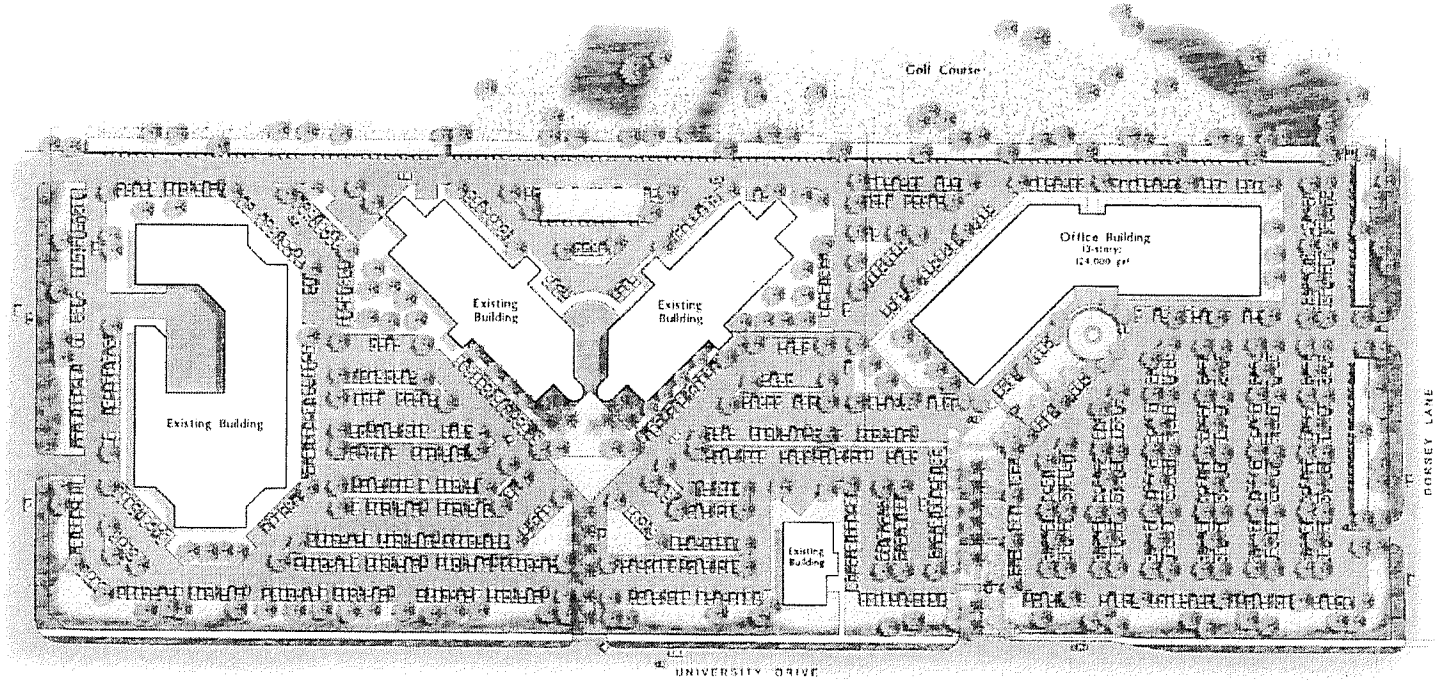
Proposed light rail station

Proposed light rail alignment

Walking path from Rural/University light rail station to edge of over all project = approx. 1,267 feet

Walking path from Rural/University light rail station to specific parcel = approx. 2,349 feet

EXHIBIT A



Master Site Plan

Phase Two Data:

Parcel	132-04-033e, parcel 2
Address	1240 E. University Dr.
Zoning	GID (Rio Salado Overlay)
Site Area	7.60 acres (331,465 sf)
Building Area	124,000 gsf (124,000 nsf)
Parking Required	400 spaces (1/300 nsf)
Parking Provided	560 spaces (4.92 / 1000sf)
Bike Required	15 (1/8333 sf)
Bike Provided	16
Parking Area Landscape	29,450 sf (24.6 %)

0' 60' 120' 180' 240'

St. Paul- University Office
Tempe, Arizona

06225

EXHIBIT B

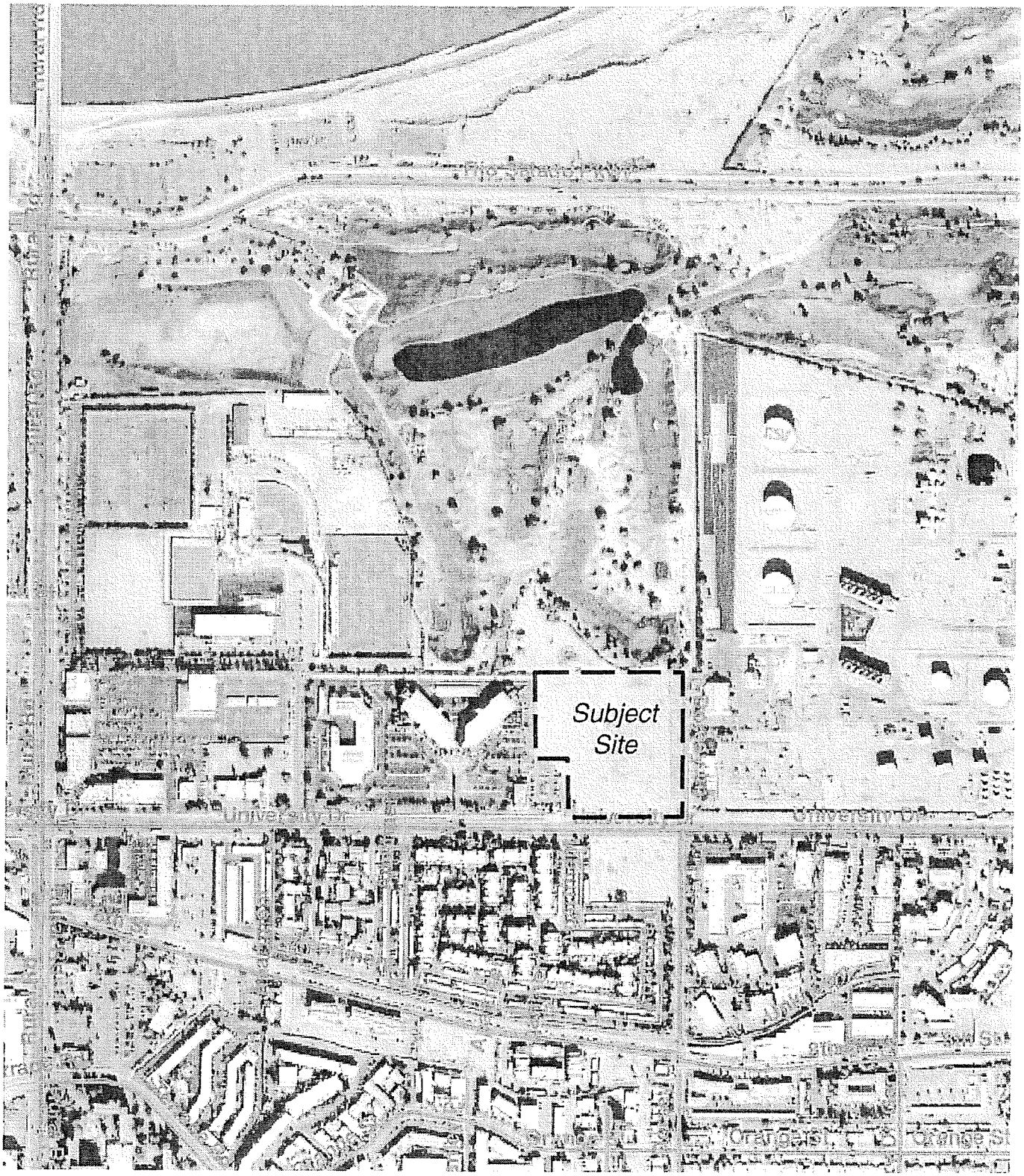


EXHIBIT C

C. If any portion of a property falls within the boundaries established above, the balance of the property shall comply with these standards. For the purposes of determining development standards within the District, any property not within a *Station Area* is referred to as being in the *Corridor*.

Figure 5-602A. Transportation Overlay District Boundary Map

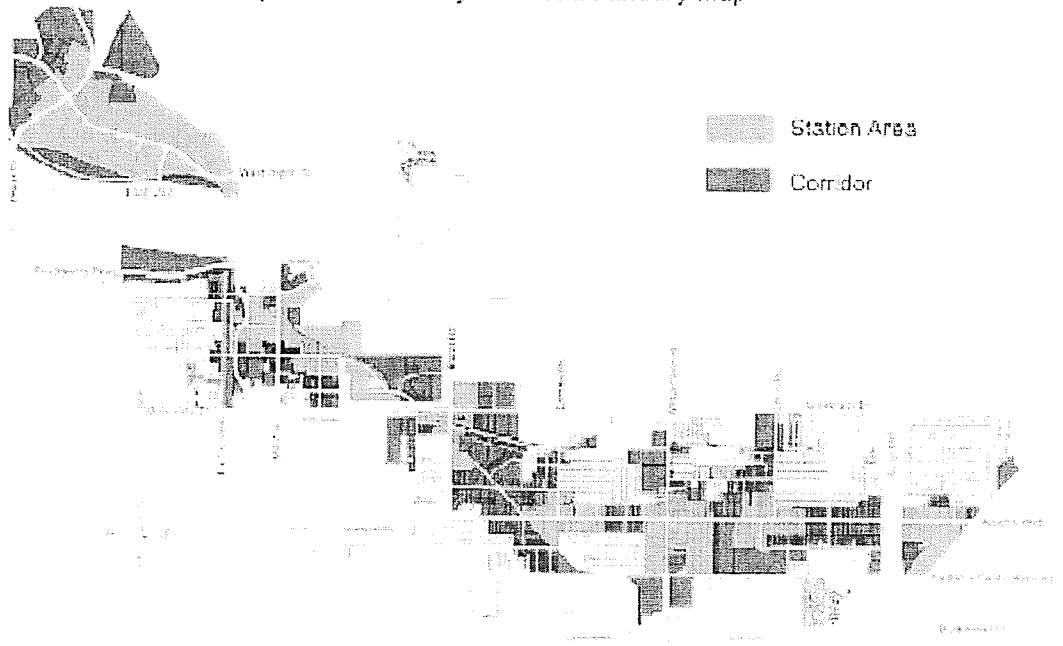


Figure 5-602B. Transportation Overlay District Cross Section of Typical Street

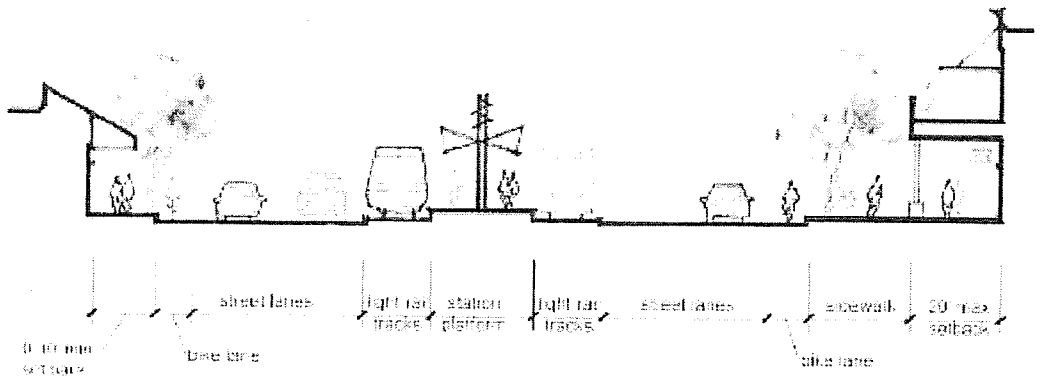


EXHIBIT D

(480) 350-8331

August 1, 2006

Mr. Stephen C. Earl
Earl, Curley and LaGarde, P.C.
3101 North Central Avenue
Suite 1000
Phoenix, AZ 85012

Dear Steve,

I received your July 6, 2006 request for an administrative determination relating to the Transportation Overlay District (TOD) for the St. Paul Properties located at 1180 East University Drive. This property is located within the TOD boundary as described in Section 5-602 and is therefore required to meet the requirements of the TOD.

Your request for conformance as outlined in Section 5-603 B. 2, Option B requires that the project generally conform to the intent of the TOD. The process to determine that you request does meet the intent is determined through an analysis of your written request describing how the objectives of the TOD are being met. While your requested development does not meet the specific requirement of the TOD, you have addressed many issues that will make this development compatible with the surrounding developments that were in place prior to the TOD. Additionally, you are proposing to incorporate special features for pedestrian safety and convenience that are a key component of the TOD. The criteria that must be met or generally conformed to as outlined in Section 5-601 specifies site development and design that promotes the goals of the TOD and does not interrupt transit, bicycle and pedestrian experiences.

After reviewing both your written proposal and your proposed master site plan, I have determined that while you do not meet the specific requirements of the TOD your proposal does meet the intent. Specifically, your plan meets the objectives outlined in Section 5-601 as required. Your next step in the development process is to submit an application for a development plan review in accordance with Section 6-306 through our Development Review Commission.

Please contact Steve Venker to begin the development review plan process and be assigned a Project Coordinator for your project. You can reach Steve at 350-8920. If you have any other questions or would like my assistance on any other matters, please don't hesitate to call me at 350-8989.

Sincerely,

Lisa Collins
Development Services Deputy Manager/Planning Director

cc: File

1" = 16'-0"

0' 16' 32' 48' 64'

ELEVATIONS

All calculations are approximate and subject to change.

DFD CornoyerHedrick

architecture
interior architecture
space planning
facilities management
land planning
landscape architecture
graphic design

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